

109TH CONGRESS
2D SESSION

H. R. 6197

AN ACT

To amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Older Americans Act Amendments of 2006”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISION

Sec. 101. Definitions.

TITLE II—ADMINISTRATION ON AGING

Sec. 201. Elder abuse prevention and services.

Sec. 202. Functions of the Assistant Secretary.

Sec. 203. Federal agency consultation.

Sec. 204. Administration.

Sec. 205. Evaluation.

Sec. 206. Reports.

Sec. 207. Contracting and grant authority; private pay relationships; appropriate use of funds.

Sec. 208. Nutrition education.

Sec. 209. Pension counseling and information programs.

Sec. 210. Authorization of appropriations.

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON
AGING

Sec. 301. Purpose; administration.

Sec. 302. Definitions.

Sec. 303. Authorization of appropriations; uses of funds.

Sec. 304. Allotments.

Sec. 305. Organization.

Sec. 306. Area plans.

Sec. 307. State plans.

Sec. 308. Payments.

Sec. 309. Nutrition services incentive program.

Sec. 310. Consumer contributions.

Sec. 311. Supportive services and senior centers.

Sec. 312. Nutrition service.

Sec. 313. Congregate nutrition program.

Sec. 314. Home delivered nutrition services.

Sec. 315. Criteria.

Sec. 316. Nutrition.

Sec. 317. Study of nutrition projects.

Sec. 318. Sense of Congress recognizing the contribution of nutrition to the health of older adults.

Sec. 319. Improving indoor air quality in buildings where older individuals congregate.

Sec. 320. Caregiver support program definitions.

Sec. 321. Caregiver support program.

Sec. 322. National innovation.

TITLE IV—ACTIVITIES FOR HEALTH, INDEPENDENCE, AND LONGEVITY

Sec. 401. Title.

Sec. 402. Grant programs.

Sec. 403. Career preparation for the field of aging.

Sec. 404. Health care service demonstration projects in rural areas.

Sec. 405. Technical assistance and innovation to improve transportation for older individuals.

Sec. 406. Demonstration, support, and research projects for multigenerational activities and civic engagement activities.

Sec. 407. Native American programs.

Sec. 408. Multidisciplinary centers and multidisciplinary systems.

Sec. 409. Community innovations for aging in place.

Sec. 410. Responsibilities of Assistant Secretary.

TITLE V—OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

Sec. 501. Community Service Senior Opportunities Act.

Sec. 502. Effective date.

TITLE VI—NATIVE AMERICANS

Sec. 601. Clarification of maintenance requirement.

Sec. 602. Native Americans caregiver support program.

TITLE VII—ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

Sec. 701. Vulnerable elder rights protection activities.

Sec. 702. Elder abuse, neglect, and exploitation.

Sec. 703. Native American organization provisions.

Sec. 704. Elder justice programs.

Sec. 705. Rule of construction.

TITLE VIII—FEDERAL YOUTH DEVELOPMENT COUNCIL

Sec. 801. Short title.

Sec. 802. Establishment and membership.

Sec. 803. Duties of the Council.

Sec. 804. Coordination with existing interagency coordination entities.

Sec. 805. Assistance of staff.

Sec. 806. Powers of the Council.

Sec. 807. Report.

Sec. 808. Termination.

Sec. 809. Authorization of appropriations.

TITLE IX—CONFORMING AMENDMENTS

Sec. 901. Conforming amendments to other Acts.

1 **TITLE I—GENERAL PROVISION**

2 **SEC. 101. DEFINITIONS.**

3 (a) IN GENERAL.—Section 102 of the Older Ameri-
4 cans Act of 1965 (42 U.S.C. 3002) is amended—

5 (1) by striking paragraph (10) and inserting
6 the following:

7 “(10)(A) The term ‘assistive device’ includes an
8 assistive technology device.

9 “(B) The terms ‘assistive technology’, ‘assistive
10 technology device’, and ‘assistive technology service’
11 have the meanings given such terms in section 3 of
12 the Assistive Technology Act of 1998 (29 U.S.C.
13 3002).”;

14 (2) by striking paragraph (12)(D) and inserting
15 the following:

16 “(D) evidence-based health promotion pro-
17 grams, including programs related to the pre-
18 vention and mitigation of the effects of chronic
19 disease (including osteoporosis, hypertension,
20 obesity, diabetes, and cardiovascular disease),
21 alcohol and substance abuse reduction, smoking
22 cessation, weight loss and control, stress man-
23 agement, falls prevention, physical activity, and
24 improved nutrition;”;

1 (3) by striking paragraph (24) and inserting
2 the following:

3 “(24)(A) The term ‘exploitation’ means the
4 fraudulent or otherwise illegal, unauthorized, or im-
5 proper act or process of an individual, including a
6 caregiver or fiduciary, that uses the resources of an
7 older individual for monetary or personal benefit,
8 profit, or gain, or that results in depriving an older
9 individual of rightful access to, or use of, benefits,
10 resources, belongings, or assets.

11 “(B) In subparagraph (A), the term ‘caregiver’
12 means an individual who has the responsibility for
13 the care of an older individual, either voluntarily, by
14 contract, by receipt of payment for care, or as a re-
15 sult of the operation of law and means a family
16 member or other individual who provides (on behalf
17 of such individual or of a public or private agency,
18 organization, or institution) compensated or uncom-
19 pensated care to an older individual.”;

20 (4) in paragraph (29)(E)—

21 (A) in clause (i), by striking “and” at the
22 end;

23 (B) in clause (ii), by striking the period at
24 the end and inserting “; and”; and

25 (C) by adding at the end the following:

1 “(iii) older individuals at risk for in-
2 stitutional placement.”;

3 (5) in paragraph (32)(D), by inserting “, in-
4 cluding an assisted living facility,” after “home”;

5 (6) by striking paragraph (34) and inserting
6 the following:

7 “(34) The term ‘neglect’ means—

8 “(A) the failure of a caregiver (as defined
9 in paragraph (18)(B)) or fiduciary to provide
10 the goods or services that are necessary to
11 maintain the health or safety of an older indi-
12 vidual; or

13 “(B) self-neglect.”; and

14 (7) by adding at the end the following:

15 “(44) The term ‘Aging and Disability Resource
16 Center’ means an entity established by a State as
17 part of the State system of long-term care, to pro-
18 vide a coordinated system for providing—

19 “(A) comprehensive information on the full
20 range of available public and private long-term
21 care programs, options, service providers, and
22 resources within a community, including infor-
23 mation on the availability of integrated long-
24 term care;

1 “(B) personal counseling to assist individ-
2 uals in assessing their existing or anticipated
3 long-term care needs, and developing and imple-
4 menting a plan for long-term care designed to
5 meet their specific needs and circumstances;
6 and

7 “(C) consumers access to the range of pub-
8 licly-supported long-term care programs for
9 which consumers may be eligible, by serving as
10 a convenient point of entry for such programs.

11 “(45) The term ‘at risk for institutional place-
12 ment’ means, with respect to an older individual,
13 that such individual is unable to perform at least 2
14 activities of daily living without substantial assist-
15 ance (including verbal reminding, physical cuing, or
16 supervision) and is determined by the State involved
17 to be in need of placement in a long-term care facil-
18 ity.

19 “(46) The term ‘civic engagement’ means an in-
20 dividual or collective action designed to address a
21 public concern or an unmet human, educational,
22 health care, environmental, or public safety need.

23 “(47) The term ‘elder justice’—

24 “(A) used with respect to older individuals,
25 collectively, means efforts to prevent, detect,

1 treat, intervene in, and respond to elder abuse,
2 neglect, and exploitation and to protect older
3 individuals with diminished capacity while maxi-
4 mizing their autonomy; and

5 “(B) used with respect to an individual
6 who is an older individual, means the recogni-
7 tion of the individual’s rights, including the
8 right to be free of abuse, neglect, and exploi-
9 tation.

10 “(48) The term ‘fiduciary’—

11 “(A) means a person or entity with the
12 legal responsibility—

13 “(i) to make decisions on behalf of
14 and for the benefit of another person; and

15 “(ii) to act in good faith and with
16 fairness; and

17 “(B) includes a trustee, a guardian, a con-
18 servator, an executor, an agent under a finan-
19 cial power of attorney or health care power of
20 attorney, or a representative payee.

21 “(49) The term ‘Hispanic-serving institution’
22 has the meaning given the term in section 502 of the
23 Higher Education Act of 1965 (20 U.S.C. 1101a).

24 “(50) The term ‘long-term care’ means any
25 service, care, or item (including an assistive device),

1 including a disease prevention and health promotion
2 service, an in-home service, and a case management
3 service—

4 “(A) intended to assist individuals in cop-
5 ing with, and to the extent practicable com-
6 pensate for, a functional impairment in car-
7 rying out activities of daily living;

8 “(B) furnished at home, in a community
9 care setting (including a small community care
10 setting as defined in subsection (g)(1), and a
11 large community care setting as defined in sub-
12 section (h)(1), of section 1929 of the Social Se-
13 curity Act (42 U.S.C. 1396t)), or in a long-
14 term care facility; and

15 “(C) not furnished to prevent, diagnose,
16 treat, or cure a medical disease or condition.

17 “(51) The term ‘self-directed care’ means an
18 approach to providing services (including programs,
19 benefits, supports, and technology) under this Act
20 intended to assist an individual with activities of
21 daily living, in which—

22 “(A) such services (including the amount,
23 duration, scope, provider, and location of such
24 services) are planned, budgeted, and purchased

1 under the direction and control of such indi-
2 vidual;

3 “(B) such individual is provided with such
4 information and assistance as are necessary and
5 appropriate to enable such individual to make
6 informed decisions about the individual’s care
7 options;

8 “(C) the needs, capabilities, and pref-
9 erences of such individual with respect to such
10 services, and such individual’s ability to direct
11 and control the individual’s receipt of such serv-
12 ices, are assessed by the area agency on aging
13 (or other agency designated by the area agency
14 on aging) involved;

15 “(D) based on the assessment made under
16 subparagraph (C), the area agency on aging (or
17 other agency designated by the area agency on
18 aging) develops together with such individual
19 and the individual’s family, caregiver (as de-
20 fined in paragraph (18)(B)), or legal represent-
21 ative—

22 “(i) a plan of services for such indi-
23 vidual that specifies which services such in-
24 dividual will be responsible for directing;

1 “(ii) a determination of the role of
2 family members (and others whose partici-
3 pation is sought by such individual) in pro-
4 viding services under such plan; and

5 “(iii) a budget for such services; and

6 “(E) the area agency on aging or State
7 agency provides for oversight of such individ-
8 ual’s self-directed receipt of services, including
9 steps to ensure the quality of services provided
10 and the appropriate use of funds under this
11 Act.

12 “(52) The term ‘self-neglect’ means an adult’s
13 inability, due to physical or mental impairment or
14 diminished capacity, to perform essential self-care
15 tasks including—

16 “(A) obtaining essential food, clothing,
17 shelter, and medical care;

18 “(B) obtaining goods and services nec-
19 essary to maintain physical health, mental
20 health, or general safety; or

21 “(C) managing one’s own financial affairs.

22 “(53) The term ‘State system of long-term
23 care’ means the Federal, State, and local programs
24 and activities administered by a State that provide,

1 support, or facilitate access to long-term care for in-
2 dividuals in such State.

3 “(54) The term ‘integrated long-term care’—

4 “(A) means items and services that consist
5 of—

6 “(i) with respect to long-term care—

7 “(I) long-term care items or serv-
8 ices provided under a State plan for
9 medical assistance under the Medicaid
10 program established under title XIX
11 of the Social Security Act (42 U.S.C.
12 1396 et seq.), including nursing facil-
13 ity services, home and community-
14 based services, personal care services,
15 and case management services pro-
16 vided under the plan; and

17 “(II) any other supports, items,
18 or services that are available under
19 any federally funded long-term care
20 program; and

21 “(ii) with respect to other health care,
22 items and services covered under—

23 “(I) the Medicare program estab-
24 lished under title XVIII of the Social
25 Security Act (42 U.S.C. 1395 et seq.);

1 “(II) the State plan for medical
2 assistance under the Medicaid pro-
3 gram; or

4 “(III) any other federally funded
5 health care program; and

6 “(B) includes items or services described in
7 subparagraph (A) that are provided under a
8 public or private managed care plan or through
9 any other service provider.”.

10 (b) REDESIGNATION AND REORDERING OF DEFINI-
11 TIONS.—Section 102 of the Older Americans Act of 1965
12 (42 U.S.C. 3002) is amended—

13 (1) by redesignating paragraphs (1) through
14 (54) as paragraphs (45), (7), (50), (39), (26), (27),
15 (54), (13), (48), (8), (29), (14), (1), (2), (3), (5),
16 (6), (10), (30), (37), (11), (15), (16), (18), (21),
17 (22), (23), (24), (28), (31), (33), (35), (36), (38),
18 (40), (41), (42), (43), (44), (51), (53), (19), (49),
19 (4), (9), (12), (17), (20), (25), (34), (46), (47),
20 (52), and (32), respectively; and

21 (2) so that paragraphs (1) through (54), as so
22 redesignated in paragraph (1), appear in numerical
23 order.

1 **TITLE II—ADMINISTRATION ON**
2 **AGING**

3 **SEC. 201. ELDER ABUSE PREVENTION AND SERVICES.**

4 Section 201 of the Older Americans Act of 1965 (42
5 U.S.C. 3011) is amended by adding at the end the fol-
6 lowing:

7 “(e)(1) The Assistant Secretary is authorized to des-
8 ignate within the Administration a person to have respon-
9 sibility for elder abuse prevention and services.

10 “(2) It shall be the duty of the Assistant Secretary,
11 acting through the person designated to have responsi-
12 bility for elder abuse prevention and services—

13 “(A) to develop objectives, priorities, policy, and
14 a long-term plan for—

15 “(i) facilitating the development, imple-
16 mentation, and continuous improvement of a
17 coordinated, multidisciplinary elder justice sys-
18 tem in the United States;

19 “(ii) providing Federal leadership to sup-
20 port State efforts in carrying out elder justice
21 programs and activities relating to—

22 “(I) elder abuse prevention, detection,
23 treatment, intervention, and response;

24 “(II) training of individuals regarding
25 the matters described in subclause (I); and

1 “(III) the development of a State
2 comprehensive elder justice system, as de-
3 fined in section 752(b);

4 “(iii) establishing Federal guidelines and
5 disseminating best practices for uniform data
6 collection and reporting by States;

7 “(iv) working with States, the Department
8 of Justice, and other Federal entities to annu-
9 ally collect, maintain, and disseminate data re-
10 lating to elder abuse, neglect, and exploitation,
11 to the extent practicable;

12 “(v) establishing an information clearing-
13 house to collect, maintain, and disseminate in-
14 formation concerning best practices and re-
15 sources for training, technical assistance, and
16 other activities to assist States and commu-
17 nities to carry out evidence-based programs to
18 prevent and address elder abuse, neglect, and
19 exploitation;

20 “(vi) conducting research related to elder
21 abuse, neglect, and exploitation;

22 “(vii) providing technical assistance to
23 States and other eligible entities that provide or
24 fund the provision of the services described in
25 title VII;

1 “(viii) carrying out a study to determine
2 the national incidence and prevalence of elder
3 abuse, neglect, and exploitation in all settings;
4 and

5 “(ix) promoting collaborative efforts and
6 diminishing duplicative efforts in the develop-
7 ment and carrying out of elder justice programs
8 at the Federal, State and local levels; and

9 “(B) to assist States and other eligible entities
10 under title VII to develop strategic plans to better
11 coordinate elder justice activities, research, and
12 training.

13 “(3) The Secretary, acting through the Assistant Sec-
14 retary, may issue such regulations as may be necessary
15 to carry out this subsection and section 752.

16 “(f)(1) The Assistant Secretary may designate an of-
17 ficer or employee who shall be responsible for the adminis-
18 tration of mental health services authorized under this
19 Act.

20 “(2) It shall be the duty of the Assistant Secretary,
21 acting through the individual designated under paragraph
22 (1), to develop objectives, priorities, and a long-term plan
23 for supporting State and local efforts involving education
24 about and prevention, detection, and treatment of mental
25 disorders, including age-related dementia, depression, and

1 Alzheimer’s disease and related neurological disorders
2 with neurological and organic brain dysfunction.”.

3 **SEC. 202. FUNCTIONS OF THE ASSISTANT SECRETARY.**

4 Section 202 of the Older Americans Act of 1965 (42
5 U.S.C. 3012) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (5), by inserting “assist-
8 ive technology,” after “housing,”;

9 (B) by striking paragraph (12) and insert-
10 ing the following:

11 “(12)(A) consult and coordinate activities with
12 the Administrator of the Centers for Medicare &
13 Medicaid Services and the heads of other Federal
14 entities to implement and build awareness of pro-
15 grams providing benefits affecting older individuals;
16 and

17 “(B) carry on a continuing evaluation of the
18 programs and activities related to the objectives of
19 this Act, with particular attention to the impact of
20 the programs and activities carried out under—

21 “(i) titles XVIII and XIX of the Social Se-
22 curity Act (42 U.S.C. 1395 et seq., 1396 et
23 seq.);

24 “(ii) the Age Discrimination in Employ-
25 ment Act of 1967 (29 U.S.C. 621 et seq.); and

1 “(iii) the National Housing Act (12 U.S.C.
2 1701 et seq.) relating to housing for older indi-
3 viduals and the setting of standards for the li-
4 censing of nursing homes, intermediate care
5 homes, and other facilities providing care for
6 such individuals;”;

7 (C) by striking paragraph (20) and insert-
8 ing the following:

9 “(20)(A) encourage, and provide technical as-
10 sistance to, States, area agencies on aging, and serv-
11 ice providers to carry out outreach and benefits en-
12 rollment assistance to inform and enroll older indi-
13 viduals with greatest economic need, who may be eli-
14 gible to participate, but who are not participating, in
15 Federal and State programs providing benefits for
16 which the individuals are eligible, including—

17 “(i) supplemental security income benefits
18 under title XVI of the Social Security Act (42
19 U.S.C. 1381 et seq.), or assistance under a
20 State plan program under such title;

21 “(ii) medical assistance under title XIX of
22 such Act (42 U.S.C. 1396 et seq.);

23 “(iii) benefits under the Food Stamp Act
24 of 1977 (7 U.S.C. 2011 et seq.); or

1 “(iv) benefits under any other applicable
2 program; and

3 “(B) at the election of the Assistant Secretary
4 and in cooperation with related Federal agency part-
5 ners administering the Federal programs, make a
6 grant to or enter into a contract with a qualified, ex-
7 perience entity to establish a National Center on
8 Senior Benefits Outreach and Enrollment, which
9 shall—

10 “(i) maintain and update web-based deci-
11 sion support and enrollment tools, and inte-
12 grated, person-centered systems, designed to in-
13 form older individuals about the full range of
14 benefits for which the individuals may be eligi-
15 ble under Federal and State programs;

16 “(ii) utilize cost-effective strategies to find
17 older individuals with greatest economic need
18 and enroll the individuals in the programs;

19 “(iii) create and support efforts for Aging
20 and Disability Resource Centers, and other
21 public and private State and community-based
22 organizations, including faith-based organiza-
23 tions and coalitions, to serve as benefits enroll-
24 ment centers for the programs;

“(iv) develop and maintain an information clearinghouse on best practices and cost-effective methods for finding and enrolling older individuals with greatest economic need in the programs for which the individuals are eligible; and

“(v) provide, in collaboration with related Federal agency partners administering the Federal programs, training and technical assistance on effective outreach, screening, enrollment, and follow-up strategies;”;

(D) in paragraph (26)—

(i) in subsection (D)—

(I) by striking “gaps in”; and

(II) by inserting “(including services that would permit such individuals to receive long-term care in home and community-based settings)” after “individuals”; and

(ii) in subsection (E), by striking “and” at the end;

(E) in paragraph (27)—

(i) in subparagraph (B), by adding “and” at the end; and

(ii) by striking subparagraph (D); and

1 (F) by adding at the end the following:

2 “(28) make available to States, area agencies
3 on aging, and service providers information and
4 technical assistance to support the provision of evi-
5 dence-based disease prevention and health promotion
6 services.”;

7 (2) by striking subsections (b) and (c), and in-
8 serting the following:

9 “(b) To promote the development and implementa-
10 tion of comprehensive, coordinated systems at Federal,
11 State, and local levels that enable older individuals to re-
12 ceive long-term care in home and community-based set-
13 tings, in a manner responsive to the needs and preferences
14 of older individuals and their family caregivers, the Assist-
15 ant Secretary shall, consistent with the applicable provi-
16 sions of this title—

17 “(1) collaborate, coordinate, and consult with
18 other Federal entities responsible for formulating
19 and implementing programs, benefits, and services
20 related to providing long-term care, and may make
21 grants, contracts, and cooperative agreements with
22 funds received from other Federal entities;

23 “(2) conduct research and demonstration
24 projects to identify innovative, cost-effective strate-

1 gies for modifying State systems of long-term care
2 to—

3 “(A) respond to the needs and preferences
4 of older individuals and family caregivers; and

5 “(B) target services to individuals at risk
6 for institutional placement, to permit such indi-
7 viduals to remain in home and community-
8 based settings;

9 “(3) establish criteria for and promote the im-
10 plementation (through area agencies on aging, serv-
11 ice providers, and such other entities as the Assist-
12 ant Secretary determines to be appropriate) of evi-
13 dence-based programs to assist older individuals and
14 their family caregivers in learning about and making
15 behavioral changes intended to reduce the risk of in-
16 jury, disease, and disability among older individuals;

17 “(4) facilitate, in coordination with the Admin-
18 istrator of the Centers for Medicare & Medicaid
19 Services, and other heads of Federal entities as ap-
20 propriate, the provision of long-term care in home
21 and community-based settings, including the provi-
22 sion of such care through self-directed care models
23 that—

24 “(A) provide for the assessment of the
25 needs and preferences of an individual at risk

1 for institutional placement to help such indi-
2 vidual avoid unnecessary institutional placement
3 and depletion of income and assets to qualify
4 for benefits under the Medicaid program under
5 title XIX of the Social Security Act (42 U.S.C.
6 1396 et seq.);

7 “(B) respond to the needs and preferences
8 of such individual and provide the option—

9 “(i) for the individual to direct and
10 control the receipt of supportive services
11 provided; or

12 “(ii) as appropriate, for a person who
13 was appointed by the individual, or is le-
14 gally acting on the individual’s behalf, in
15 order to represent or advise the individual
16 in financial or service coordination matters
17 (referred to in this paragraph as a ‘rep-
18 resentative’ of the individual), to direct
19 and control the receipt of those services;
20 and

21 “(C) assist an older individual (or, as ap-
22 propriate, a representative of the individual) to
23 develop a plan for long-term support, including
24 selecting, budgeting for, and purchasing home

1 and community-based long-term care and sup-
2 portive services;

3 “(5) provide for the Administration to play a
4 lead role with respect to issues concerning home and
5 community-based long-term care, including—

6 “(A) directing (as the Secretary or the
7 President determines to be appropriate) or oth-
8 erwise participating in departmental and inter-
9 departmental activities concerning long-term
10 care;

11 “(B) reviewing and commenting on depart-
12 mental rules, regulations, and policies related to
13 providing long-term care; and

14 “(C) making recommendations to the Sec-
15 retary with respect to home and community-
16 based long-term care, including recommenda-
17 tions based on findings made through projects
18 conducted under paragraph (2);

19 “(6) promote, in coordination with other appro-
20 prium Federal agencies—

21 “(A) enhanced awareness by the public of
22 the importance of planning in advance for long-
23 term care; and

24 “(B) the availability of information and re-
25 sources to assist in such planning;

1 “(7) ensure access to, and the dissemination of,
2 information about all long-term care options and
3 service providers, including the availability of inte-
4 grated long-term care;

5 “(8) implement in all States Aging and Dis-
6 ability Resource Centers—

7 “(A) to serve as visible and trusted sources
8 of information on the full range of long-term
9 care options, including both institutional and
10 home and community-based care, which are
11 available in the community;

12 “(B) to provide personalized and con-
13 sumer-friendly assistance to empower individ-
14 uals to make informed decisions about their
15 care options;

16 “(C) to provide coordinated and stream-
17 lined access to all publicly supported long-term
18 care options so that consumers can obtain the
19 care they need through a single intake, assess-
20 ment, and eligibility determination process;

21 “(D) to help individuals to plan ahead for
22 their future long-term care needs; and

23 “(E) to assist (in coordination with the en-
24 tities carrying out the health insurance infor-
25 mation, counseling, and assistance program (re-

1 ceiving funding under section 4360 of the Om-
2 nibus Budget Reconciliation Act of 1990 (42
3 U.S.C. 1395b–4)) in the States) beneficiaries,
4 and prospective beneficiaries, under the Medi-
5 care program established under title XVIII of
6 the Social Security Act (42 U.S.C. 1395 et
7 seq.) in understanding and accessing prescrip-
8 tion drug and preventative health benefits
9 under the provisions of, and amendments made
10 by, the Medicare Prescription Drug, Improve-
11 ment, and Modernization Act of 2003;

12 “(9) establish, either directly or through grants
13 or contracts, national technical assistance programs
14 to assist State agencies, area agencies on aging, and
15 community-based service providers funded under this
16 Act in implementing—

17 “(A) home and community-based long-term
18 care systems, including evidence-based pro-
19 grams; and

20 “(B) evidence-based disease prevention and
21 health promotion services programs;

22 “(10) develop, in collaboration with the Admin-
23 istrator of the Centers for Medicare & Medicaid
24 Services, performance standards and measures for
25 use by States to determine the extent to which their

1 State systems of long-term care fulfill the objectives
2 described in this subsection; and

3 “(11) conduct such other activities as the As-
4 sistant Secretary determines to be appropriate.

5 “(c) The Assistant Secretary, in consultation with the
6 Chief Executive Officer of the Corporation for National
7 and Community Service, shall—

8 “(1) encourage and permit volunteer groups
9 (including organizations carrying out national serv-
10 ice programs and including organizations of youth in
11 secondary or postsecondary school) that are active in
12 supportive services and civic engagement to partici-
13 pate and be involved individually or through rep-
14 resentative groups in supportive service and civic en-
15 gagement programs or activities to the maximum ex-
16 tent feasible;

17 “(2) develop a comprehensive strategy for uti-
18 lizing older individuals to address critical local needs
19 of national concern, including the engagement of
20 older individuals in the activities of public and non-
21 profit organizations such as community-based orga-
22 nizations, including faith-based organizations; and

23 “(3) encourage other community capacity-build-
24 ing initiatives involving older individuals, with par-
25 ticular attention to initiatives that demonstrate ef-

1 fectiveness and cost savings in meeting critical
2 needs.”; and

3 (3) in subsection (e)(1)(A), by striking the
4 semicolon at the end and inserting a period.

5 **SEC. 203. FEDERAL AGENCY CONSULTATION.**

6 Section 203 of the Older Americans Act of 1965 (42
7 U.S.C. 3013) is amended—

8 (1) in subsection (a)(3)(A)—

9 (A) by striking “(with particular attention
10 to low-income minority older individuals and
11 older individuals residing in rural areas)” and
12 inserting “(with particular attention to low-in-
13 come older individuals, including low-income
14 minority older individuals, older individuals
15 with limited English proficiency, and older indi-
16 viduals residing in rural areas)”;

17 (B) by striking “section 507” and insert-
18 ing “section 518”;

19 (2) in subsection (b)—

20 (A) in paragraph (17), by striking “and”
21 at the end;

22 (B) in paragraph (18), by striking the pe-
23 riod and inserting “, and”;

24 (C) by adding at the end the following:

1 “(19) sections 4 and 5 of the Assistive Tech-
2 nology Act of 1998 (29 U.S.C. 3003, 3004).”; and

3 (3) by adding at the end the following:

4 “(c)(1) The Secretary, in collaboration with the Fed-
5 eral officials specified in paragraph (2), shall establish an
6 Interagency Coordinating Committee on Aging (referred
7 to in this subsection as the ‘Committee’) focusing on the
8 coordination of agencies with respect to aging issues.

9 “(2) The officials referred to in paragraph (1) shall
10 include the Secretary of Labor and the Secretary of Hous-
11 ing and Urban Development, and may include, at the di-
12 rection of the President, the Attorney General, the Sec-
13 retary of Transportation, the Secretary of the Treasury,
14 the Secretary of Agriculture, the Secretary of Homeland
15 Security, the Commissioner of Social Security, and such
16 other Federal officials as the President may direct. An of-
17 ficial described in this paragraph may appoint a designee
18 to carry out the official’s duties under paragraph (1).

19 “(3) The Secretary of Health and Human Services
20 shall serve as the first chairperson of the Committee, for
21 1 term, and the Secretary of Housing and Urban Develop-
22 ment shall serve as the chairperson for the following term.
23 After that following term, the Committee shall select a
24 chairperson from among the members of the Committee,
25 and any member may serve as the chairperson. No mem-

1 ber may serve as the chairperson for more than 1 consecu-
2 tive term.

3 “(4) For purposes of this subsection, a term shall be
4 a period of 2 calendar years.

5 “(5) The Committee shall meet not less often than
6 once each year.

7 “(6) The Committee shall—

8 “(A) share information with and establish an
9 ongoing system to improve coordination among Fed-
10 eral agencies with responsibility for programs and
11 services for older individuals and recommend im-
12 provements to such system with an emphasis on—

13 “(i) improving access to programs and
14 services for older individuals;

15 “(ii) maximizing the impact of federally
16 funded programs and services for older individ-
17 uals by increasing the efficiency, effectiveness,
18 and delivery of such programs and services;

19 “(iii) planning and preparing for the im-
20 pact of demographic changes on programs and
21 services for older individuals; and

22 “(iv) reducing or eliminating areas of over-
23 lap and duplication by Federal agencies in the
24 provision and accessibility of such programs
25 and services;

1 “(B) identify, promote, and implement (as ap-
2 propriate), best practices and evidence-based pro-
3 gram and service models to assist older individuals
4 in meeting their housing, health care, and other sup-
5 portive service needs, including—

6 “(i) consumer-directed care models for
7 home and community-based care and supportive
8 services that link housing, health care, and
9 other supportive services and that facilitate
10 aging in place, enabling older individuals to re-
11 main in their homes and communities as the in-
12 dividuals age; and

13 “(ii) innovations in technology applications
14 (including assistive technology devices and as-
15 sistive technology services) that give older indi-
16 viduals access to information on available serv-
17 ices or that help in providing services to older
18 individuals;

19 “(C) collect and disseminate information about
20 older individuals and the programs and services
21 available to the individuals to ensure that the indi-
22 viduals can access comprehensive information;

23 “(D) work with the Federal Interagency Forum
24 on Aging-Related Statistics, the Bureau of the Cen-
25 sus, and member agencies to ensure the continued

1 collection of data relating to the housing, health
2 care, and other supportive service needs of older in-
3 dividuals and to support efforts to identify and ad-
4 dress unmet data needs;

5 “(E) actively seek input from and consult with
6 nongovernmental experts and organizations, includ-
7 ing public health interest and research groups and
8 foundations about the activities described in sub-
9 paragraphs (A) through (F);

10 “(F) identify any barriers and impediments, in-
11 cluding barriers and impediments in statutory and
12 regulatory law, to the access and use by older indi-
13 viduals of federally funded programs and services;
14 and

15 “(G) work with States to better provide hous-
16 ing, health care, and other supportive services to
17 older individuals by—

18 “(i) holding meetings with State agencies;

19 “(ii) providing ongoing technical assistance
20 to States about better meeting the needs of
21 older individuals; and

22 “(iii) working with States to designate liai-
23 sons, from the State agencies, to the Com-
24 mittee.

1 “(7) Not later than 90 days following the end of each
2 term, the Committee shall prepare and submit to the Com-
3 mittee on Financial Services of the House of Representa-
4 tives, the Committee on Education and the Workforce of
5 the House of Representatives, the Committee on Energy
6 and Commerce of the House of Representatives, the Com-
7 mittee on Ways and Means of the House of Representa-
8 tives, the Committee on Banking, Housing, and Urban Af-
9 fairs of the Senate, the Committee on Health, Education,
10 Labor, and Pensions of the Senate, and the Special Com-
11 mittee on Aging of the Senate, a report that—

12 “(A) describes the activities and accomplish-
13 ments of the Committee in—

14 “(i) enhancing the overall coordination of
15 federally funded programs and services for
16 older individuals; and

17 “(ii) meeting the requirements of para-
18 graph (6);

19 “(B) incorporates an analysis from the head of
20 each agency that is a member of the interagency co-
21 ordinating committee established under paragraph
22 (1) that describes the barriers and impediments, in-
23 cluding barriers and impediments in statutory and
24 regulatory law (as the chairperson of the Committee
25 determines to be appropriate), to the access and use

1 by older individuals of programs and services admin-
 2 istered by such agency; and

3 “(C) makes such recommendations as the chair-
 4 man determines to be appropriate for actions to
 5 meet the needs described in paragraph (6) and for
 6 coordinating programs and services designed to meet
 7 those needs.

8 “(8) On the request of the Committee, any Federal
 9 Government employee may be detailed to the Committee
 10 without reimbursement, and such detail shall be without
 11 interruption or loss of civil service status or privilege.”.

12 **SEC. 204. ADMINISTRATION.**

13 Section 205 of the Older Americans Act of 1965 (42
 14 U.S.C. 3016) is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (1)—

17 (i) in subparagraph (C), by adding
 18 “and” at the end;

19 (ii) in subparagraph (D), by striking
 20 “; and” and inserting a period; and

21 (iii) by striking subparagraph (E);

22 and

23 (B) in paragraph (2)—

24 (i) in subparagraph (A)—

1 (I) by amending clause (i) to
2 read as follows:

3 “(i) designing, implementing, and evaluating
4 evidence-based programs to support improved nutri-
5 tion and regular physical activity for older individ-
6 uals;”;

7 (II) by amending clause (iii) to
8 read as follows:

9 “(iii) conducting outreach and disseminating
10 evidence-based information to nutrition service pro-
11 viders about the benefits of healthful diets and reg-
12 ular physical activity, including information about
13 the most current Dietary Guidelines for Americans
14 published under section 301 of the National Nutri-
15 tion Monitoring and Related Research Act of 1990
16 (7 U.S.C. 5341), the Food Guidance System of the
17 Department of Agriculture, and advances in nutri-
18 tion science;”;

19 (III) in clause (vii), by striking
20 “and” at the end; and

21 (IV) by striking clause (viii) and
22 inserting the following:

23 “(viii) disseminating guidance that describes
24 strategies for improving the nutritional quality of
25 meals provided under title III, including strategies

1 for increasing the consumption of whole grains,
2 lowfat dairy products, fruits, and vegetables;

3 “(ix) developing and disseminating guidelines
4 for conducting nutrient analyses of meals provided
5 under subparts 1 and 2 of part C of title III, includ-
6 ing guidelines for averaging key nutrients over an
7 appropriate period of time; and

8 “(x) providing technical assistance to the re-
9 gional offices of the Administration with respect to
10 each duty described in clauses (i) through (ix).”; and

11 (ii) by amending subparagraph (C)(i)
12 to read as follows:

13 “(i) have expertise in nutrition, energy balance,
14 and meal planning; and”.

15 **SEC. 205. EVALUATION.**

16 The first sentence of section 206(g) of the Older
17 Americans Act of 1965 (42 U.S.C. 3017(g)) is amended
18 to read as follows: “From the total amount appropriated
19 for each fiscal year to carry out title III, the Secretary
20 may use such sums as may be necessary, but not to exceed
21 $\frac{1}{2}$ of 1 percent of such amount, for purposes of con-
22 ducting evaluations under this section, either directly or
23 through grants or contracts.”.

1 **SEC. 206. REPORTS.**

2 Section 207(b)(2) of the Older Americans Act of
3 1965 (42 U.S.C. 3018(b)(2)) is amended—

4 (1) in subparagraph (B), by striking “Labor”
5 and inserting “the Workforce”; and

6 (2) in subparagraph (C), by striking “Labor
7 and Human Resources” and inserting “Health, Edu-
8 cation, Labor, and Pensions”.

9 **SEC. 207. CONTRACTING AND GRANT AUTHORITY; PRIVATE**
10 **PAY RELATIONSHIPS; APPROPRIATE USE OF**
11 **FUNDS.**

12 Section 212 of the Older Americans Act of 1965 (42
13 U.S.C. 3020c) is amended to read as follows:

14 **“SEC. 212. CONTRACTING AND GRANT AUTHORITY; PRI-**
15 **VATE PAY RELATIONSHIPS; APPROPRIATE**
16 **USE OF FUNDS.**

17 “(a) IN GENERAL.—Subject to subsection (b), this
18 Act shall not be construed to prevent a recipient of a grant
19 or a contract under this Act (other than title V) from en-
20 tering into an agreement with a profitmaking organization
21 for the recipient to provide services to individuals or enti-
22 ties not otherwise receiving services under this Act, pro-
23 vided that—

24 “(1) if funds provided under this Act to such
25 recipient are initially used by the recipient to pay
26 part or all of a cost incurred by the recipient in de-

1 veloping and carrying out such agreement, such
2 agreement guarantees that the cost is reimbursed to
3 the recipient;

4 “(2) if such agreement provides for the provi-
5 sion of 1 or more services, of the type provided
6 under this Act by or on behalf of such recipient, to
7 an individual or entity seeking to receive such serv-
8 ices—

9 “(A) the individuals and entities may only
10 purchase such services at their fair market rate;

11 “(B) all costs incurred by the recipient in
12 providing such services (and not otherwise reim-
13 bursed under paragraph (1)), are reimbursed to
14 such recipient; and

15 “(C) the recipient reports the rates for
16 providing such services under such agreement
17 in accordance with subsection (c) and the rates
18 are consistent with the prevailing market rate
19 for provision of such services in the relevant ge-
20 ographic area as determined by the State agen-
21 cy or area agency on aging (as applicable); and

22 “(3) any amount of payment to the recipient
23 under the agreement that exceeds reimbursement
24 under this subsection of the recipient’s costs is used

1 to provide, or support the provision of, services
2 under this Act.

3 “(b) ENSURING APPROPRIATE USE OF FUNDS.—An
4 agreement described in subsection (a) may not—

5 “(1) be made without the prior approval of the
6 State agency (or, in the case of a grantee under title
7 VI, without the prior recommendation of the Direc-
8 tor of the Office for American Indian, Alaska Na-
9 tive, and Native Hawaiian Aging and the prior ap-
10 proval of the Assistant Secretary), after timely sub-
11 mission of all relevant documents related to the
12 agreement including information on all costs in-
13 curred;

14 “(2) directly or indirectly provide for, or have
15 the effect of, paying, reimbursing, subsidizing, or
16 otherwise compensating an individual or entity in an
17 amount that exceeds the fair market value of the
18 services subject to such agreement;

19 “(3) result in the displacement of services oth-
20 erwise available to an older individual with greatest
21 social need, an older individual with greatest eco-
22 nomic need, or an older individual who is at risk for
23 institutional placement; or

24 “(4) in any other way compromise, undermine,
25 or be inconsistent with the objective of serving the

1 needs of older individuals, as determined by the As-
2 sistant Secretary.

3 “(c) MONITORING AND REPORTING.—To ensure that
4 any agreement described in subsection (a) complies with
5 the requirements of this section and other applicable pro-
6 visions of this Act, the Assistant Secretary shall develop
7 and implement uniform monitoring procedures and report-
8 ing requirements consistent with the provisions of sub-
9 paragraphs (A) through (E) of section 306(a)(13) in con-
10 sultation with the State agencies and area agencies on
11 aging. The Assistant Secretary shall annually prepare and
12 submit to the chairpersons and ranking members of the
13 appropriate committees of Congress a report analyzing all
14 such agreements, and the costs incurred and services pro-
15 vided under the agreements. This report shall contain in-
16 formation on the number of the agreements per State,
17 summaries of all the agreements, and information on the
18 type of organizations participating in the agreements,
19 types of services provided under the agreements, and the
20 net proceeds from, and documentation of funds spent and
21 reimbursed, under the agreements.

22 “(d) TIMELY REIMBURSEMENT.—All reimburse-
23 ments made under this section shall be made in a timely
24 manner, according to standards specified by the Assistant
25 Secretary.

1 “(e) COST.—In this section, the term ‘cost’ means an
 2 expense, including an administrative expense, incurred by
 3 a recipient in developing or carrying out an agreement de-
 4 scribed in subsection (a), whether the recipient contrib-
 5 uted funds, staff time, or other plant, equipment, or serv-
 6 ices to meet the expense.”.

7 **SEC. 208. NUTRITION EDUCATION.**

8 Section 214 of the Older Americans Act of 1965 (42
 9 U.S.C. 3020e) is amended to read as follows:

10 **“SEC. 214. NUTRITION EDUCATION.**

11 “The Assistant Secretary, in consultation with the
 12 Secretary of Agriculture, shall conduct outreach and pro-
 13 vide technical assistance to agencies and organizations
 14 that serve older individuals to assist such agencies and or-
 15 ganizations to carry out integrated health promotion and
 16 disease prevention programs that—

17 “(1) are designed for older individuals; and

18 “(2) include—

19 “(A) nutrition education;

20 “(B) physical activity; and

21 “(C) other activities to modify behavior
 22 and to improve health literacy, including pro-
 23 viding information on optimal nutrient intake,
 24 through nutrition education and nutrition as-

1 sessment and counseling, in accordance with
2 section 339(2)(J).”.

3 **SEC. 209. PENSION COUNSELING AND INFORMATION PRO-**
4 **GRAMS.**

5 Section 215 of the Older Americans Act of 1965 (42
6 U.S.C. 3020e–1) is amended—

7 (1) in subsection (e)(1)(J), by striking “and low
8 income retirees” and inserting “, low-income retir-
9 ees, and older individuals with limited English pro-
10 ficiency”;

11 (2) in subsection (f), by striking paragraph (2)
12 and inserting the following:

13 “(2) The ability of the entity to perform effec-
14 tive outreach to affected populations, particularly
15 populations with limited English proficiency and
16 other populations that are identified as in need of
17 special outreach.”; and

18 (3) in subsection (h)(2), by inserting “(includ-
19 ing individuals with limited English proficiency)”
20 after “individuals”.

21 **SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

22 Section 216 of the Older Americans Act of 1965 (42
23 U.S.C. 3020f) is amended—

1 (1) in subsection (a), by striking “2001, 2002,
2 2003, 2004, and 2005” and inserting “2007, 2008,
3 2009, 2010, and 2011.”; and

4 (2) in subsections (b) and (c), by striking
5 “year” and all that follows through “years”, and in-
6 serting “years 2007, 2008, 2009, 2010, and 2011”.

7 **TITLE III—GRANTS FOR STATE**
8 **AND COMMUNITY PROGRAMS**
9 **ON AGING**

10 **SEC. 301. PURPOSE; ADMINISTRATION.**

11 Section 301(a)(2) of the Older Americans Act of
12 1965 (42 U.S.C. 3021(a)(2)) is amended—

13 (1) in subparagraph (D), by striking “and” at
14 the end;

15 (2) in subparagraph (E), by striking the period
16 at the end and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(F) organizations that have experience in pro-
19 viding training, placement, and stipends for volun-
20 teers or participants who are older individuals (such
21 as organizations carrying out Federal service pro-
22 grams administered by the Corporation for National
23 and Community Service), in community service set-
24 tings.”.

1 **SEC. 302. DEFINITIONS.**

2 Section 302 of the Older Americans Act of 1965 (42
3 U.S.C. 3022) is amended—

4 (1) by adding at the end the following:

5 “(4) The term ‘family caregiver’ means an
6 adult family member, or another individual, who is
7 an informal provider of in-home and community care
8 to an older individual or to an individual with Alz-
9 heimer’s disease or a related disorder with neuro-
10 logical and organic brain dysfunction.”;

11 (2) by redesignating paragraphs (2), (3), and
12 (4) as paragraphs (4), (2), and (3), respectively; and

13 (3) by moving paragraph (4), as so redesign-
14 ated, to the end of the section.

15 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS; USES OF**
16 **FUNDS.**

17 Section 303 of the Older Americans Act of 1965 (42
18 U.S.C. 3023) is amended—

19 (1) in subsections (a)(1), (b), and (d), by strik-
20 ing “year 2001” and all that follows through
21 “years” each place it appears, and inserting “years
22 2007, 2008, 2009, 2010, and 2011”; and

23 (2) in subsection (e)—

24 (A) in paragraph (1) by striking
25 “\$125,000,000” and all that follows and insert-
26 ing “\$160,000,000 for fiscal year 2007.”;

1 (B) in paragraph (2), by striking “such
 2 sums” and all that follows and inserting
 3 “\$166,500,000 for fiscal year 2008,
 4 \$173,000,000 for fiscal year 2009,
 5 \$180,000,000 for fiscal year 2010, and
 6 \$187,000,000 for fiscal year 2011.”; and

7 (C) in paragraph (3)—

8 (i) by striking “(2)—” and all that
 9 follows through “1 percent” and inserting
 10 “(2), not more than 1 percent”;

11 (ii) by striking “shall” and inserting
 12 “may”; and

13 (iii) by striking “section 376” and in-
 14 serting “section 411(a)(11)”.

15 **SEC. 304. ALLOTMENTS.**

16 Section 304(a)(3)(D) of the Older Americans Act of
 17 1965 (42 U.S.C. 3024(a)(3)(D)) is amended to read as
 18 follows:

19 “(D)(i) No State shall be allotted less than the total
 20 amount allotted to the State for fiscal year 2006.

21 “(ii) No State shall receive a percentage increase in
 22 an allotment, above the State’s fiscal year 2006 allotment,
 23 that is less than—

1 “(I) for fiscal year 2007, 20 percent of the per-
2 centage increase above the fiscal year 2006 allot-
3 ments for all of the States;

4 “(II) for fiscal year 2008, 15 percent of the
5 percentage increase above the fiscal year 2006 allot-
6 ments for all of the States;

7 “(III) for fiscal year 2009, 10 percent of the
8 percentage increase above the fiscal year 2006 allot-
9 ments for all of the States; and

10 “(IV) For fiscal year 2010, 5 percent of the
11 percentage increase above the fiscal year 2006 allot-
12 ments for all of the States.”.

13 **SEC. 305. ORGANIZATION.**

14 Section 305(a) of the Older Americans Act of 1965
15 (42 U.S.C. 3025(a)) is amended—

16 (1) in paragraph (1)(E)—

17 (A) by striking “(with particular attention
18 to low-income minority individuals and older in-
19 dividuals residing in rural areas)” each place it
20 appears and inserting “(with particular atten-
21 tion to low-income older individuals, including
22 low-income minority older individuals, older in-
23 dividuals with limited English proficiency, and
24 older individuals residing in rural areas)”; and

25 (B) by striking “and” at the end;

1 (2) in paragraph (2)—

2 (A) in subparagraph (E), by striking “,
3 with particular attention to low-income minority
4 individuals and older individuals residing in
5 rural areas” and inserting “(with particular at-
6 tention to low-income older individuals, includ-
7 ing low-income minority older individuals, older
8 individuals with limited English proficiency, and
9 older individuals residing in rural areas)”; and

10 (B) in subparagraph (G), by striking the
11 period and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(3) the State agency shall, consistent with this
14 section, promote the development and implementa-
15 tion of a State system of long-term care that is a
16 comprehensive, coordinated system that enables
17 older individuals to receive long-term care in home
18 and community-based settings, in a manner respon-
19 sive to the needs and preferences of the older indi-
20 viduals and their family caregivers, by—

21 “(A) collaborating, coordinating, and con-
22 sulting with other agencies in such State re-
23 sponsible for formulating, implementing, and
24 administering programs, benefits, and services
25 related to providing long-term care;

1 “(B) participating in any State govern-
2 ment activities concerning long-term care, in-
3 cluding reviewing and commenting on any State
4 rules, regulations, and policies related to long-
5 term care;

6 “(C) conducting analyses and making rec-
7 ommendations with respect to strategies for
8 modifying the State system of long-term care to
9 better—

10 “(i) respond to the needs and pref-
11 erences of older individuals and family
12 caregivers;

13 “(ii) facilitate the provision, by service
14 providers, of long-term care in home and
15 community-based settings; and

16 “(iii) target services to individuals at
17 risk for institutional placement, to permit
18 such individuals to remain in home and
19 community-based settings;

20 “(D) implementing (through area agencies
21 on aging, service providers, and such other enti-
22 ties as the State determines to be appropriate)
23 evidence-based programs to assist older individ-
24 uals and their family caregivers in learning
25 about and making behavioral changes intended

1 to reduce the risk of injury, disease, and dis-
 2 ability among older individuals; and

3 “(E) providing for the availability and dis-
 4 tribution (through public education campaigns,
 5 Aging and Disability Resource Centers, area
 6 agencies on aging, and other appropriate
 7 means) of information relating to—

8 “(i) the need to plan in advance for
 9 long-term care; and

10 “(ii) the full range of available public
 11 and private long-term care (including inte-
 12 grated long-term care) programs, options,
 13 service providers, and resources.”.

14 **SEC. 306. AREA PLANS.**

15 Section 306 of the Older Americans Act of 1965 (42
 16 U.S.C. 3026) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (1)—

19 (i) by striking “(with particular atten-
 20 tion to low-income minority individuals and
 21 older individuals residing in rural areas)”
 22 and inserting “(with particular attention to
 23 low-income older individuals, including low-
 24 income minority older individuals, older in-
 25 dividuals with limited English proficiency,

1 and older individuals residing in rural
2 areas)”;

3 (ii) by striking “(with particular at-
4 tention to low-income minority individ-
5 uals)” and inserting “(with particular at-
6 tention to low-income older individuals, in-
7 cluding low-income minority older individ-
8 uals, older individuals with limited English
9 proficiency, and older individuals residing
10 in rural areas)”; and

11 (iii) by inserting “the number of older
12 individuals at risk for institutional place-
13 ment residing in such area,” after “indi-
14 viduals) residing in such area,”;

15 (B) in paragraph (2)(A)—

16 (i) by inserting after “transporta-
17 tion,” the following: “health services (in-
18 cluding mental health services),”; and

19 (ii) by inserting after “information
20 and assistance” the following: “(which may
21 include information and assistance to con-
22 sumers on availability of services under
23 part B and how to receive benefits under
24 and participate in publicly supported pro-

1 grams for which the consumer may be eli-
2 gible)”;

3 (C) in paragraph (4)—

4 (i) in subparagraph (A)—

5 (I) by amending clause (i) to
6 read as follows:

7 “(i)(I) provide assurances that the area agency
8 on aging will—

9 “(aa) set specific objectives, consistent
10 with State policy, for providing services to older
11 individuals with greatest economic need, older
12 individuals with greatest social need, and older
13 individuals at risk for institutional placement;

14 “(bb) include specific objectives for pro-
15 viding services to low-income minority older in-
16 dividuals, older individuals with limited English
17 proficiency, and older individuals residing in
18 rural areas; and

19 “(II) include proposed methods to achieve the
20 objectives described in items (aa) and (bb) of sub-
21 clause (I);” and

22 (II) in clause (ii), by inserting “,
23 older individuals with limited English
24 proficiency,” after “low-income minor-

1 ity individuals” each place it appears;
2 and

3 (ii) in subparagraph (B)—

4 (I) by moving the left margin of
5 each of subparagraph (B), clauses (i)
6 and (ii), and subclauses (I) through
7 (VI) of clause (i), 2 ems to the left;
8 and

9 (II) in clause (i)—

10 (aa) in subclause (V), by
11 striking “with limited English-
12 speaking ability; and” and insert-
13 ing “with limited English pro-
14 ficiency;”;

15 (bb) in subclause (VI), by
16 striking “or related” and insert-
17 ing “and related”; and

18 (cc) by adding at the end
19 the following:

20 “(VII) older individuals at risk for in-
21 stitutional placement; and”;

22 (D) in paragraph (5), by inserting “and in-
23 dividuals at risk for institutional placement”
24 after “severe disabilities”;

25 (E) in paragraph (6)—

1 (i) in subparagraph (C)—

2 (I) in clause (i), by striking
3 “and” at the end;

4 (II) in clause (ii), by adding
5 “and” at the end; and

6 (III) by inserting after clause (ii)
7 the following:

8 “(iii) make use of trained volunteers in
9 providing direct services delivered to older indi-
10 viduals and individuals with disabilities needing
11 such services and, if possible, work in coordina-
12 tion with organizations that have experience in
13 providing training, placement, and stipends for
14 volunteers or participants (such as organiza-
15 tions carrying out Federal service programs ad-
16 ministered by the Corporation for National and
17 Community Service), in community service set-
18 tings;”;

19 (ii) in subparagraph (D)—

20 (I) by inserting “family care-
21 givers of such individuals,” after
22 “Act,”; and

23 (II) by inserting “service pro-
24 viders, representatives of the business
25 community,” after “individuals,”; and

1 (iii) by amending subparagraph (F) to
2 read as follows:

3 “(F) in coordination with the State agency
4 and with the State agency responsible for men-
5 tal health services, increase public awareness of
6 mental health disorders, remove barriers to di-
7 agnosis and treatment, and coordinate mental
8 health services (including mental health
9 screenings) provided with funds expended by
10 the area agency on aging with mental health
11 services provided by community health centers
12 and by other public agencies and nonprofit pri-
13 vate organizations;”;

14 (F) in paragraph (7), to read as follows:

15 “(7) provide that the area agency on aging
16 shall, consistent with this section, facilitate the area-
17 wide development and implementation of a com-
18 prehensive, coordinated system for providing long-
19 term care in home and community-based settings, in
20 a manner responsive to the needs and preferences of
21 older individuals and their family caregivers, by—

22 “(A) collaborating, coordinating activities,
23 and consulting with other local public and pri-
24 vate agencies and organizations responsible for

1 administering programs, benefits, and services
2 related to providing long-term care;

3 “(B) conducting analyses and making rec-
4 ommendations with respect to strategies for
5 modifying the local system of long-term care to
6 better—

7 “(i) respond to the needs and pref-
8 erences of older individuals and family
9 caregivers;

10 “(ii) facilitate the provision, by service
11 providers, of long-term care in home and
12 community-based settings; and

13 “(iii) target services to older individ-
14 uals at risk for institutional placement, to
15 permit such individuals to remain in home
16 and community-based settings;

17 “(C) implementing, through the agency or
18 service providers, evidence-based programs to
19 assist older individuals and their family care-
20 givers in learning about and making behavioral
21 changes intended to reduce the risk of injury,
22 disease, and disability among older individuals;
23 and

24 “(D) providing for the availability and dis-
25 tribution (through public education campaigns,

1 Aging and Disability Resource Centers, the
2 area agency on aging itself, and other appro-
3 priate means) of information relating to—

4 “(i) the need to plan in advance for
5 long-term care; and

6 “(ii) the full range of available public
7 and private long-term care (including inte-
8 grated long-term care) programs, options,
9 service providers, and resources;”;

10 (G) by striking paragraph (14) and the 2
11 paragraphs (15);

12 (H) by redesignating paragraph (16) as
13 paragraph (14); and

14 (I) by adding at the end the following:

15 “(15) provide assurances that funds received
16 under this title will be used—

17 “(A) to provide benefits and services to
18 older individuals, giving priority to older indi-
19 viduals identified in paragraph (4)(A)(i); and

20 “(B) in compliance with the assurances
21 specified in paragraph (13) and the limitations
22 specified in section 212;

23 “(16) provide, to the extent feasible, for the
24 furnishing of services under this Act, consistent with
25 self-directed care; and

1 “(17) include information detailing how the
2 area agency on aging will coordinate activities, and
3 develop long-range emergency preparedness plans,
4 with local and State emergency response agencies,
5 relief organizations, local and State governments,
6 and any other institutions that have responsibility
7 for disaster relief service delivery.”;

8 (2) by redesignating subsections (b), (c), (d),
9 and (e) as subsections (c), (d), (e), and (f); and

10 (3) by inserting after subsection (a) the fol-
11 lowing:

12 “(b)(1) An area agency on aging may include in the
13 area plan an assessment of how prepared the area agency
14 on aging and service providers in the planning and service
15 area are for any anticipated change in the number of older
16 individuals during the 10-year period following the fiscal
17 year for which the plan is submitted.

18 “(2) Such assessment may include—

19 “(A) the projected change in the number of
20 older individuals in the planning and service area;

21 “(B) an analysis of how such change may affect
22 such individuals, including individuals with low in-
23 comes, individuals with greatest economic need, mi-
24 nority older individuals, older individuals residing in

1 rural areas, and older individuals with limited
2 English proficiency;

3 “(C) an analysis of how the programs, policies,
4 and services provided by such area agency can be
5 improved, and how resource levels can be adjusted to
6 meet the needs of the changing population of older
7 individuals in the planning and service area; and

8 “(D) an analysis of how the change in the num-
9 ber of individuals age 85 and older in the planning
10 and service area is expected to affect the need for
11 supportive services.

12 “(3) An area agency on aging, in cooperation with
13 government officials, State agencies, tribal organizations,
14 or local entities, may make recommendations to govern-
15 ment officials in the planning and service area and the
16 State, on actions determined by the area agency to build
17 the capacity in the planning and service area to meet the
18 needs of older individuals for—

19 “(A) health and human services;

20 “(B) land use;

21 “(C) housing;

22 “(D) transportation;

23 “(E) public safety;

24 “(F) workforce and economic development;

25 “(G) recreation;

1 “(H) education;
 2 “(I) civic engagement;
 3 “(J) emergency preparedness; and
 4 “(K) any other service as determined by such
 5 agency.”.

6 **SEC. 307. STATE PLANS.**

7 Section 307(a) of the Older Americans Act of 1965
 8 (42 U.S.C. 3027(a)) is amended—

9 (1) in paragraph (2)(C), by striking “section
 10 306(b)” and inserting “section 306(c)”;

11 (2) in paragraph (4), by striking “, with par-
 12 ticular attention to low-income minority individuals
 13 and older individuals residing in rural areas” and in-
 14 serting “(with particular attention to low-income mi-
 15 nority older individuals, older individuals with lim-
 16 ited English proficiency, and older individuals resid-
 17 ing in rural areas)”;

18 (3) by striking paragraph (15);

19 (4) by redesignating paragraph (14) as para-
 20 graph (15);

21 (5) by inserting after paragraph (13) the fol-
 22 lowing:

23 “(14) The plan shall, with respect to the fiscal
 24 year preceding the fiscal year for which such plan is
 25 prepared—

1 “(A) identify the number of low-income
2 minority older individuals in the State, includ-
3 ing the number of low-income minority older in-
4 dividuals with limited English proficiency; and

5 “(B) describe the methods used to satisfy
6 the service needs of the low-income minority
7 older individuals described in subparagraph (A),
8 including the plan to meet the needs of low-in-
9 come minority older individuals with limited
10 English proficiency.”;

11 (6) in paragraph (16)(A)—

12 (A) in clauses (ii) and (iii), by striking
13 “(with particular attention to low-income mi-
14 nority individuals and older individuals residing
15 in rural areas)” each place it appears and in-
16 serting “(with particular attention to low-in-
17 come older individuals, including low-income
18 minority older individuals, older individuals
19 with limited English proficiency, and older indi-
20 viduals residing in rural areas)”;

21 (B) in clause (vi), by striking “or related”
22 and inserting “and related”; and

23 (7) by adding at the end the following:

24 “(27) The plan shall provide assurances that
25 area agencies on aging will provide, to the extent

1 feasible, for the furnishing of services under this
2 Act, consistent with self-directed care.

3 “(28)(A) The plan shall include, at the election
4 of the State, an assessment of how prepared the
5 State is, under the State’s statewide service delivery
6 model, for any anticipated change in the number of
7 older individuals during the 10-year period following
8 the fiscal year for which the plan is submitted.

9 “(B) Such assessment may include—

10 “(i) the projected change in the number of
11 older individuals in the State;

12 “(ii) an analysis of how such change may
13 affect such individuals, including individuals
14 with low incomes, individuals with greatest eco-
15 nomic need, minority older individuals, older in-
16 dividuals residing in rural areas, and older indi-
17 viduals with limited English proficiency;

18 “(iii) an analysis of how the programs,
19 policies, and services provided by the State can
20 be improved, including coordinating with area
21 agencies on aging, and how resource levels can
22 be adjusted to meet the needs of the changing
23 population of older individuals in the State; and

24 “(iv) an analysis of how the change in the
25 number of individuals age 85 and older in the

1 State is expected to affect the need for sup-
2 portive services.

3 “(29) The plan shall include information detail-
4 ing how the State will coordinate activities, and de-
5 velop long-range emergency preparedness plans, with
6 area agencies on aging, local emergency response
7 agencies, relief organizations, local governments,
8 State agencies responsible for emergency prepared-
9 ness, and any other institutions that have responsi-
10 bility for disaster relief service delivery.

11 “(30) The plan shall include information de-
12 scribing the involvement of the head of the State
13 agency in the development, revision, and implemen-
14 tation of emergency preparedness plans, including
15 the State Public Health Emergency Preparedness
16 and Response Plan.”.

17 **SEC. 308. PAYMENTS.**

18 Section 309(b)(2) of the Older Americans Act of
19 1965 (42 U.S.C. 3029(b)(2)) is amended by striking “the
20 non-Federal share required prior to fiscal year 1981” and
21 inserting “10 percent of the cost of the services specified
22 in such section 304(d)(1)(D)”.

23 **SEC. 309. NUTRITION SERVICES INCENTIVE PROGRAM.**

24 Section 311 of the Older Americans Act of 1965 (42
25 U.S.C. 3030a) is amended—

1 (1) in subsection (b), by adding at the end the
2 following:

3 “(3) State agencies that elect to make grants and
4 enter into contracts for purposes of this section shall
5 promptly and equitably disburse amounts received under
6 this subsection to the recipients of the grants and con-
7 tracts.”;

8 (2) in subsection (c)—

9 (A) in paragraph (1), by inserting “(in-
10 cluding bonus commodities)” after “commod-
11 ities”;

12 (B) in paragraph (2), by inserting “(in-
13 cluding bonus commodities)” after “commod-
14 ities”;

15 (C) in paragraph (3), by inserting “(in-
16 cluding bonus commodities)” after “products”;
17 and

18 (D) by adding at the end the following:

19 “(4) Among the commodities provided under this sub-
20 section, the Secretary of Agriculture shall give special em-
21 phasis to foods of high nutritional value to support the
22 health of older individuals. The Secretary of Agriculture,
23 in consultation with the Assistant Secretary, is authorized
24 to prescribe the terms and conditions respecting the provi-
25 sion of commodities under this subsection.”;

1 (3) in subsection (d), to read as follows:

2 “(d)(1) Amounts provided under subsection (b) shall
3 be available only for the purchase, by State agencies, re-
4 cipients of grants and contracts from the State agencies
5 (as applicable), and title VI grantees, of United States ag-
6 ricultural commodities and other foods for their respective
7 nutrition projects, subject to paragraph (2).

8 “(2) An entity specified in paragraph (1) may, at the
9 option of such entity, use part or all of the amounts re-
10 ceived by the entity under subsection (b) to pay a school
11 food authority (within the meaning of the Richard B. Rus-
12 sell National School Lunch Act (42 U.S.C. 1751 et seq.)
13 to obtain United States agricultural commodities for such
14 entity’s nutrition projects, in accordance with an agree-
15 ment between the entity and the school food authority,
16 under which such payments—

17 “(A) shall cover the cost of such commodities;
18 and

19 “(B) may cover related expenses incurred by
20 the school food authority, including the cost of
21 transporting, distributing, processing, storing, and
22 handling such commodities.”;

23 (4) in subsection (e), by striking “2001” and
24 inserting “2007”; and

25 (5) in subsection (f)—

1 (A) in the matter preceding paragraph (1),
 2 by striking “the Secretary of Agriculture and
 3 the Secretary of Health and Human Services”
 4 and inserting “the Assistant Secretary and the
 5 Secretary of Agriculture”; and

6 (B) by striking paragraphs (1) and (2) and
 7 inserting the following:

8 “(1) school food authorities participating in
 9 programs authorized under the Richard B. Russell
 10 National School Lunch Act within the geographic
 11 area served by each such State agency, area agency
 12 on aging, and provider; and

13 “(2) the foods available to such State agencies,
 14 area agencies on aging, and providers under sub-
 15 section (c).”.

16 **SEC. 310. CONSUMER CONTRIBUTIONS.**

17 Section 315 of the Older Americans Act of 1965 (42
 18 U.S.C. 3030c-2) is amended—

19 (1) in subsection (b)—

20 (A) in paragraph (1)—

21 (i) by striking “provided that” and in-
 22 serting “if”; and

23 (ii) by adding at the end the fol-
 24 lowing: “Such contributions shall be en-
 25 couraged for individuals whose self-de-

1 clared income is at or above 185 percent of
 2 the poverty line, at contribution levels
 3 based on the actual cost of services.”; and
 4 (B) in paragraph (4)(E), by inserting “and
 5 to supplement (not supplant) funds received
 6 under this Act” after “given”;

7 (2) in subsection (c)(2), by striking “(with par-
 8 ticular attention to low-income minority individuals
 9 and older individuals residing in rural areas)” and
 10 inserting “(with particular attention to low-income
 11 older individuals, including low-income minority
 12 older individuals, older individuals with limited
 13 English proficiency, and older individuals residing in
 14 rural areas)”;

15 (3) in subsection (d), by striking “with par-
 16 ticular attention to low-income and minority older
 17 individuals and older individuals residing in rural
 18 areas” and inserting “(with particular attention to
 19 low-income older individuals, including low-income
 20 minority older individuals, older individuals with lim-
 21 ited English proficiency, and older individuals resid-
 22 ing in rural areas)”.

23 **SEC. 311. SUPPORTIVE SERVICES AND SENIOR CENTERS.**

24 Section 321(a) of the Older Americans Act of 1965
 25 (42 U.S.C. 3030d(a)) is amended—

1 (1) in paragraph (8), by inserting “(including
2 mental health screening)” after “screening”;

3 (2) in paragraph (11), by striking “services”
4 and inserting “provision of services and assistive de-
5 vices (including provision of assistive technology
6 services and assistive technology devices)”;

7 (3) in paragraph (14)(B) by inserting “(includ-
8 ing mental health)” after “health”;

9 (4) in paragraph (21)—

10 (A) by striking “school-age children” and
11 inserting “students”; and

12 (B) by inserting “services for older individ-
13 uals with limited English proficiency and” after
14 “including”;

15 (5) in paragraph (22) by striking the period at
16 the end and inserting a semicolon;

17 (6) by redesignating paragraph (23) as para-
18 graph (25); and

19 (7) by inserting after paragraph (22) the fol-
20 lowing:

21 “(23) services designed to support States, area
22 agencies on aging, and local service providers in car-
23 rying out and coordinating activities for older indi-
24 viduals with respect to mental health services, in-
25 cluding outreach for, education concerning, and

1 screening for such services, and referral to such
2 services for treatment;

3 “(24) activities to promote and disseminate in-
4 formation about life-long learning programs, includ-
5 ing opportunities for distance learning; and”.

6 **SEC. 312. NUTRITION SERVICE.**

7 After the part heading of part C of title III of the
8 Older Americans Act of 1965 (42 U.S.C. 3030e et seq.),
9 insert the following:

10 **“SEC. 330. PURPOSES.**

11 “The purposes of this part are—

12 “(1) to reduce hunger and food insecurity;

13 “(2) to promote socialization of older individ-
14 uals; and

15 “(3) to promote the health and well-being of
16 older individuals by assisting such individuals to
17 gain access to nutrition and other disease prevention
18 and health promotion services to delay the onset of
19 adverse health conditions resulting from poor nutri-
20 tional health or sedentary behavior.”.

21 **SEC. 313. CONGREGATE NUTRITION PROGRAM.**

22 Section 331 of the Older Americans Act of 1965 (42
23 U.S.C. 3030e) is amended—

24 (1) by striking “projects—” and inserting
25 “projects that—”;

1 (2) in paragraph (1), by striking “which,”;
2 (3) in paragraph (2), by striking “which”; and
3 (4) by striking paragraph (3), and inserting the
4 following:

5 “(3) provide nutrition education, nutrition
6 counseling, and other nutrition services, as appro-
7 priate, based on the needs of meal participants.”.

8 **SEC. 314. HOME DELIVERED NUTRITION SERVICES.**

9 Section 336 of the Older Americans Act of 1965 (42
10 U.S.C. 3030f) is amended to read as follows:

11 **“SEC. 336. PROGRAM AUTHORIZED.**

12 “The Assistant Secretary shall establish and carry
13 out a program to make grants to States under State plans
14 approved under section 307 for the establishment and op-
15 eration of nutrition projects for older individuals that pro-
16 vide—

17 “(1) on 5 or more days a week (except in a
18 rural area where such frequency is not feasible (as
19 defined by the Assistant Secretary by rule) and a
20 lesser frequency is approved by the State agency) at
21 least 1 home delivered meal per day, which may con-
22 sist of hot, cold, frozen, dried, canned, fresh, or sup-
23 plemental foods and any additional meals that the
24 recipient of a grant or contract under this subpart
25 elects to provide; and

1 “(2) nutrition education, nutrition counseling,
2 and other nutrition services, as appropriate, based
3 on the needs of meal recipients.”.

4 **SEC. 315. CRITERIA.**

5 Section 337 of the Older Americans Act of 1965 (42
6 U.S.C. 3030g) is amended to read as follows:

7 **“SEC. 337. CRITERIA.**

8 “The Assistant Secretary, in consultation with recog-
9 nized experts in the fields of nutrition science, dietetics,
10 meal planning and food service management, and aging,
11 shall develop minimum criteria of efficiency and quality
12 for the furnishing of home delivered meal services for
13 projects described in section 336.”.

14 **SEC. 316. NUTRITION.**

15 Section 339 of the Older Americans Act of 1965 (42
16 U.S.C. 3030g–21) is amended—

17 (1) in paragraph (1), to read as follows:

18 “(1) solicit the expertise of a dietitian or other
19 individual with equivalent education and training in
20 nutrition science, or if such an individual is not
21 available, an individual with comparable expertise in
22 the planning of nutritional services, and”; and

23 (2) in paragraph (2)—

24 (A) in subparagraph (A)—

25 (i) in clause (i), to read as follows:

1 “(i) comply with the most recent Die-
2 tary Guidelines for Americans, published
3 by the Secretary and the Secretary of Ag-
4 riculture, and”; and

5 (ii) in clause (ii)(I), by striking “daily
6 recommended dietary allowances as” and
7 inserting “dietary reference intakes”;

8 (B) in subparagraph (D), by inserting
9 “joint” after “encourages”;

10 (C) in subparagraph (G), to read as fol-
11 lows:

12 “(G) ensures that meal providers solicit
13 the advice and expertise of—

14 “(i) a dietitian or other individual de-
15 scribed in paragraph (1),

16 “(ii) meal participants, and

17 “(iii) other individuals knowledgeable
18 with regard to the needs of older individ-
19 uals,”;

20 (D) in subparagraph (H), by striking “and
21 accompany”;

22 (E) in subparagraph (I), by striking “and”
23 at the end; and

24 (F) by striking subparagraph (J) and in-
25 serting the following:

1 “(J) provides for nutrition screening and
2 nutrition education, and nutrition assessment
3 and counseling if appropriate, and

4 “(K) encourages individuals who distribute
5 nutrition services under subpart 2 to provide, to
6 homebound older individuals, available medical
7 information approved by health care profes-
8 sionals, such as informational brochures and in-
9 formation on how to get vaccines, including vac-
10 cines for influenza, pneumonia, and shingles, in
11 the individuals’ communities.”.

12 **SEC. 317. STUDY OF NUTRITION PROJECTS.**

13 (a) STUDY.—

14 (1) IN GENERAL.—The Assistant Secretary for
15 Aging shall use funds allocated in section 206(g) of
16 the Older Americans Act of 1965 (42 U.S.C.
17 3017(g)) to enter into a contract with the Food and
18 Nutrition Board of the Institute of Medicine of the
19 National Academy of Sciences, for the purpose of es-
20 tablishing an independent panel of experts that will
21 conduct an evidence-based study of the nutrition
22 projects authorized by such Act.

23 (2) STUDY.—Such study shall, to the extent
24 data are available, include—

1 (A) an evaluation of the effect of the nutri-
2 tion projects authorized by such Act on—

3 (i) improvement of the health status,
4 including nutritional status, of participants
5 in the projects;

6 (ii) prevention of hunger and food in-
7 security of the participants; and

8 (iii) continuation of the ability of the
9 participants to live independently;

10 (B) a cost-benefit analysis of nutrition
11 projects authorized by such Act, including the
12 potential to affect costs of the Medicaid pro-
13 gram under title XIX of the Social Security Act
14 (42 U.S.C. 1396 et seq.); and

15 (C) an analysis of how and recommenda-
16 tions for how nutrition projects authorized by
17 such Act may be modified to improve the out-
18 comes described in subparagraph (A), including
19 recommendations for improving the nutritional
20 quality of the meals provided through the
21 projects and undertaking other potential strate-
22 gies to improve the nutritional status of the
23 participants.

24 (b) REPORTS.—

1 (1) REPORT TO THE ASSISTANT SECRETARY.—

2 The panel described in subsection (a)(1) shall sub-
3 mit to the Assistant Secretary a report containing
4 the results of the evidence-based study described in
5 subsection (a), including any recommendations de-
6 scribed in subsection (a)(2)(C).

7 (2) REPORT TO CONGRESS.—The Assistant
8 Secretary shall submit a report containing the re-
9 sults described in paragraph (1) to the Committee
10 on Education and the Workforce of the House of
11 Representatives and the Committee on Health, Edu-
12 cation, Labor, and Pensions of the Senate.

13 **SEC. 318. SENSE OF CONGRESS RECOGNIZING THE CON-**
14 **TRIBUTION OF NUTRITION TO THE HEALTH**
15 **OF OLDER ADULTS.**

16 (a) FINDINGS.—Congress finds that—

17 (1) good nutrition is vital to good health, and
18 a diet based on the Dietary Guidelines for Ameri-
19 cans may reduce the risk of chronic diseases such as
20 cardiovascular disease, osteoporosis, diabetes,
21 macular degeneration, and cancer;

22 (2) the American Dietetic Association and the
23 American Academy of Family Physicians have esti-
24 mated that the percentage of older adults who are
25 malnourished is estimated at 20 to 60 percent for

1 those who are in home care and at 40 to 85 percent
2 for those who are in nursing homes;

3 (3) the Institute of Medicine of the National
4 Academy of Sciences has estimated that approxi-
5 mately 40 percent of community-residing persons
6 age 65 and older have inadequate nutrient intakes;

7 (4) older adults are susceptible to nutrient defi-
8 ciencies for a number of reasons, including a re-
9 duced capacity to absorb and utilize nutrients, dif-
10 ficulty chewing, and loss of appetite;

11 (5) while diet is the preferred source of nutri-
12 tion, evidence suggests that the use of a single daily
13 multivitamin-mineral supplement may be an effective
14 way to address nutritional gaps that exist among the
15 elderly population, especially the poor; and

16 (6) the Dietary Guidelines for Americans state
17 that multivitamin-mineral supplements may be use-
18 ful when they fill a specific identified nutrient gap
19 that cannot be or is not otherwise being met by the
20 individual's intake of food.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that—

23 (1) meal programs funded by the Older Ameri-
24 cans Act of 1965 contribute to the nutritional health
25 of older adults;

1 (2) when the nutritional needs of older adults
 2 are not fully met by diet, use of a single, daily multi-
 3 vitamin-mineral supplement may help prevent nutri-
 4 tion deficiencies common in many older adults;

5 (3) use of a single, daily multivitamin-mineral
 6 supplement can be a safe and inexpensive strategy
 7 to help ensure the nutritional health of older adults;
 8 and

9 (4) nutrition service providers under the Older
 10 Americans Act of 1965 should consider whether in-
 11 dividuals participating in congregate and home-deliv-
 12 ered meal programs would benefit from a single,
 13 daily multivitamin-mineral supplement that is in
 14 compliance with all applicable government quality
 15 standards and provides at least $\frac{2}{3}$ of the essential
 16 vitamins and minerals at 100 percent of the daily
 17 value levels as determined by the Commissioner of
 18 Food and Drugs.

19 **SEC. 319. IMPROVING INDOOR AIR QUALITY IN BUILDINGS**
 20 **WHERE OLDER INDIVIDUALS CONGREGATE.**

21 Section 361 of the Older Americans Act of 1965 (42
 22 U.S.C. 3030m) is amended by adding at the end the fol-
 23 lowing:

24 “(c) The Assistant Secretary shall work in consulta-
 25 tion with qualified experts to provide information on meth-

1 ods of improving indoor air quality in buildings where
 2 older individuals congregate.”.

3 **SEC. 320. CAREGIVER SUPPORT PROGRAM DEFINITIONS.**

4 Section 372 of the National Family Caregiver Sup-
 5 port Act (42 U.S.C. 3030s) is amended—

6 (1) in paragraph (1), by inserting “or who is an
 7 individual with a disability” after “age”;

8 (2) in paragraph (3)—

9 (A) by striking “a child by blood or mar-
 10 riage” and inserting “a child by blood, mar-
 11 riage, or adoption”; and

12 (B) by striking “60” and inserting “55”;

13 (3) by inserting before “In this subpart” the
 14 following: “(a) IN GENERAL.—”;

15 (4) by striking paragraph (2);

16 (5) by redesignating paragraph (3) as para-
 17 graph (2);

18 (6) by adding at the end the following:

19 “(b) RULE.—In providing services under this sub-
 20 part—

21 “(1) for family caregivers who provide care for
 22 individuals with Alzheimer’s disease and related dis-
 23 orders with neurological and organic brain dysfunc-
 24 tion, the State involved shall give priority to care-

1 givers who provide care for older individuals with
 2 such disease or disorder; and

3 “(2) for grandparents or older individuals who
 4 are relative caregivers, the State involved shall give
 5 priority to caregivers who provide care for children
 6 with severe disabilities.”.

7 **SEC. 321. CAREGIVER SUPPORT PROGRAM.**

8 Section 373 of the National Family Caregiver Sup-
 9 port Act (42 U.S.C. 3030s–1) is amended—

10 (1) in subsection (b)(3), by striking “caregivers
 11 to assist” and all that follows through the end and
 12 inserting the following: “assist the caregivers in the
 13 areas of health, nutrition, and financial literacy, and
 14 in making decisions and solving problems relating to
 15 their caregiving roles;”;

16 (2) in subsection (c)—

17 (A) in paragraph (1)(B), by striking “sub-
 18 paragraph (A)(i) or (B) of section 102(28)”
 19 and inserting “subparagraph (A)(i) or (B) of
 20 section 102(22)”; and

21 (B) by striking paragraph (2) and insert-
 22 ing the following:

23 “(2) PRIORITY.—In providing services under
 24 this subpart, the State, in addition to giving the pri-

1 ority described in section 372(b), shall give pri-
2 ority—

3 “(A) to caregivers who are older individ-
4 uals with greatest social need, and older indi-
5 viduals with greatest economic need (with par-
6 ticular attention to low-income older individ-
7 uals); and

8 “(B) to older individuals providing care to
9 individuals with severe disabilities, including
10 children with severe disabilities.”;

11 (3) in subsection (d), to read as follows:

12 “(d) USE OF VOLUNTEERS.—In carrying out this
13 subpart, each area agency on aging shall make use of
14 trained volunteers to expand the provision of the available
15 services described in subsection (b) and, if possible, work
16 in coordination with organizations that have experience in
17 providing training, placement, and stipends for volunteers
18 or participants (such as organizations carrying out Fed-
19 eral service programs administered by the Corporation for
20 National and Community Service), in community service
21 settings.”;

22 (4) in subsection (e)(3), by adding at the end
23 the following: “The reports shall describe any mech-
24 anisms used in the State to provide to persons who
25 are family caregivers, or grandparents or older indi-

viduals who are relative caregivers, information about and access to various services so that the persons can better carry out their care responsibilities.”;

(5) in subsection (f)(1), by striking “2001 through 2005” and inserting “2007, 2008, 2009, 2010, and 2011”; and

(6) in subsection (g)(2)(C), by inserting “of a child who is not more than 18 years of age” before the period at the end.

SEC. 322. NATIONAL INNOVATION.

Subpart 2 of part E of title III of the Older Americans Act of 1965 (42 U.S.C. 3030s–11 et seq.) is repealed.

**TITLE IV—ACTIVITIES FOR
HEALTH, INDEPENDENCE,
AND LONGEVITY**

SEC. 401. TITLE.

The Older Americans Act of 1965 is amended by inserting before section 401 (42 U.S.C. 3031) the following:

**“TITLE IV—ACTIVITIES FOR
HEALTH, INDEPENDENCE,
AND LONGEVITY”.**

SEC. 402. GRANT PROGRAMS.

Section 411 of the Older Americans Act of 1965 (42 U.S.C. 3032) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (8), by striking “and” at
3 the end;

4 (B) by redesignating paragraph (9) as
5 paragraph (13); and

6 (C) by inserting after paragraph (8) the
7 following:

8 “(9) planning activities to prepare communities
9 for the aging of the population, which activities may
10 include—

11 “(A) efforts to assess the aging population;

12 “(B) activities to coordinate the activities
13 of State and local agencies in order to meet the
14 needs of older individuals; and

15 “(C) training and technical assistance to
16 support States, area agencies on aging, and or-
17 ganizations receiving grants under title VI, in
18 engaging in community planning activities;

19 “(10) the development, implementation, and as-
20 sessment of technology-based service models and
21 best practices, to support the use of health moni-
22 toring and assessment technologies, communication
23 devices, assistive technologies, and other technologies
24 that may remotely connect family and professional

1 caregivers to frail older individuals residing in home
2 and community-based settings or rural areas;

3 “(11) conducting activities of national signifi-
4 cance to promote quality and continuous improve-
5 ment in the support provided to family and other in-
6 formal caregivers of older individuals through activi-
7 ties that include program evaluation, training, tech-
8 nical assistance, and research, including—

9 “(A) programs addressing unique issues
10 faced by rural caregivers;

11 “(B) programs focusing on the needs of
12 older individuals with cognitive impairment
13 such as Alzheimer’s disease and related dis-
14 orders with neurological and organic brain dys-
15 function, and their caregivers; and

16 “(C) programs supporting caregivers in the
17 role they play in providing disease prevention
18 and health promotion services;

19 “(12) building public awareness of cognitive im-
20 pairments such as Alzheimer’s disease and related
21 disorders with neurological and organic brain dys-
22 function, depression, and mental disorders; and”;
23 and

1 (2) in subsection (b), by striking “year” and all
2 that follows through “years” and inserting “years
3 2007, 2008, 2009, 2010, and 2011”.

4 **SEC. 403. CAREER PREPARATION FOR THE FIELD OF**
5 **AGING.**

6 Section 412(a) of the Older Americans Act of 1965
7 (42 U.S.C. 3032a(a)) is amended to read as follows:

8 “(a) GRANTS.—The Assistant Secretary shall make
9 grants to institutions of higher education, including his-
10 torically Black colleges or universities, Hispanic-serving
11 institutions, and Hispanic Centers of Excellence in Ap-
12 plied Gerontology, to provide education and training that
13 prepares students for careers in the field of aging.”.

14 **SEC. 404. HEALTH CARE SERVICE DEMONSTRATION**
15 **PROJECTS IN RURAL AREAS.**

16 Section 414 of the Older Americans Act of 1965 (42
17 U.S.C. 3032c) is amended—

18 (1) in subsection (a), by inserting “mental
19 health services,” after “care,”; and

20 (2) in subsection (b)(1)(B)(i), by inserting
21 “mental health,” after “health,”.

1 **SEC. 405. TECHNICAL ASSISTANCE AND INNOVATION TO IM-**
2 **PROVE TRANSPORTATION FOR OLDER INDI-**
3 **VIDUALS.**

4 Section 416 of the Older Americans Act of 1965 (42
5 U.S.C. 3032e) is amended to read as follows:

6 **“SEC. 416. TECHNICAL ASSISTANCE AND INNOVATION TO**
7 **IMPROVE TRANSPORTATION FOR OLDER IN-**
8 **DIVIDUALS.**

9 “(a) IN GENERAL.—The Secretary may award grants
10 or contracts to nonprofit organizations to improve trans-
11 portation services for older individuals.

12 “(b) USE OF FUNDS.—

13 “(1) IN GENERAL.—A nonprofit organization
14 receiving a grant or contract under subsection (a)
15 shall use the funds received through such grant or
16 contract to carry out a demonstration project, or to
17 provide technical assistance to assist local transit
18 providers, area agencies on aging, senior centers,
19 and local senior support groups, to encourage and
20 facilitate coordination of Federal, State, and local
21 transportation services and resources for older indi-
22 viduals. The organization may use the funds to de-
23 velop and carry out an innovative transportation
24 demonstration project to create transportation serv-
25 ices for older individuals.

1 “(2) SPECIFIC ACTIVITIES.—In carrying out a
2 demonstration project or providing technical assist-
3 ance under paragraph (1) the organization may
4 carry out activities that include—

5 “(A) developing innovative approaches for
6 improving access by older individuals to trans-
7 portation services, including volunteer driver
8 programs, economically sustainable transpor-
9 tation programs, and programs that allow older
10 individuals to transfer their automobiles to a
11 provider of transportation services in exchange
12 for the services;

13 “(B) preparing information on transpor-
14 tation options and resources for older individ-
15 uals and organizations serving such individuals,
16 and disseminating the information by estab-
17 lishing and operating a toll-free telephone num-
18 ber;

19 “(C) developing models and best practices
20 for providing comprehensive integrated trans-
21 portation services for older individuals, includ-
22 ing services administered by the Secretary of
23 Transportation, by providing ongoing technical
24 assistance to agencies providing services under

1 title III and by assisting in coordination of pub-
2 lic and community transportation services; and

3 “(D) providing special services to link
4 older individuals to transportation services not
5 provided under title III.

6 “(c) ECONOMICALLY SUSTAINABLE TRANSPOR-
7 TATION.—In this section, the term ‘economically sustain-
8 able transportation’ means demand responsive transpor-
9 tation for older individuals—

10 “(1) that may be provided through volunteers;
11 and

12 “(2) that the provider will provide without re-
13 ceiving Federal or other public financial assistance,
14 after a period of not more than 5 years of providing
15 the services under this section.”.

16 **SEC. 406. DEMONSTRATION, SUPPORT, AND RESEARCH**
17 **PROJECTS FOR MULTIGENERATIONAL AC-**
18 **TIVITIES AND CIVIC ENGAGEMENT ACTIVI-**
19 **TIES.**

20 Section 417 of the Older Americans Act of 1965 (42
21 U.S.C. 3032f) is amended to read as follows:

1 **“SEC. 417. DEMONSTRATION, SUPPORT, AND RESEARCH**
2 **PROJECTS FOR MULTIGENERATIONAL AND**
3 **CIVIC ENGAGEMENT ACTIVITIES.**

4 “(a) GRANTS AND CONTRACTS.—The Assistant Sec-
5 retary shall award grants and enter into contracts with
6 eligible organizations to carry out projects to—

7 “(1) provide opportunities for older individuals
8 to participate in multigenerational activities and
9 civic engagement activities designed to meet critical
10 community needs, and use the full range of time,
11 skills, and experience of older individuals, including
12 demonstration and support projects that—

13 “(A) provide support for grandparents and
14 other older individuals who are relative care-
15 givers raising children (such as kinship navi-
16 gator programs); or

17 “(B) involve volunteers who are older indi-
18 viduals who provide support and information to
19 families who have a child with a disability or
20 chronic illness, or other families in need of such
21 family support; and

22 “(2) coordinate multigenerational activities and
23 civic engagement activities, promote volunteerism,
24 and facilitate development of and participation in
25 multigenerational activities and civic engagement ac-
26 tivities.

1 “(b) USE OF FUNDS.—An eligible organization shall
2 use funds made available under a grant awarded, or a con-
3 tract entered into, under this section to—

4 “(1) carry out a project described in subsection
5 (a); and

6 “(2) evaluate the project in accordance with
7 subsection (f).

8 “(c) PREFERENCE.—In awarding grants and enter-
9 ing into contracts to carry out a project described in sub-
10 section (a), the Assistant Secretary shall give preference
11 to—

12 “(1) eligible organizations with a demonstrated
13 record of carrying out multigenerational activities or
14 civic engagement activities;

15 “(2) eligible organizations proposing
16 multigenerational activity projects that will serve
17 older individuals and communities with the greatest
18 need (with particular attention to low-income minor-
19 ity individuals, older individuals with limited English
20 proficiency, older individuals residing in rural areas,
21 and low-income minority communities);

22 “(3) eligible organizations proposing civic en-
23 gagement projects that will serve communities with
24 the greatest need; and

1 “(4) eligible organizations with the capacity to
2 develop meaningful roles and assignments that use
3 the time, skills, and experience of older individuals
4 to serve public and nonprofit organizations.

5 “(d) APPLICATION.—To be eligible to receive a grant
6 or enter into a contract under subsection (a), an organiza-
7 tion shall submit an application to the Assistant Secretary
8 at such time, in such manner, and accompanied by such
9 information as the Assistant Secretary may reasonably re-
10 quire.

11 “(e) ELIGIBLE ORGANIZATIONS.—Organizations eli-
12 gible to receive a grant or enter into a contract under sub-
13 section (a)—

14 “(1) to carry out activities described in sub-
15 section (a)(1), shall be organizations that provide
16 opportunities for older individuals to participate in
17 activities described in subsection (a)(1); and

18 “(2) to carry out activities described in sub-
19 section (a)(2), shall be organizations with the capac-
20 ity to conduct the coordination, promotion, and fa-
21 cilitation described in subsection (a)(2), through the
22 use of multigenerational coordinators.

23 “(f) LOCAL EVALUATION AND REPORT.—

24 “(1) EVALUATION.—Each organization receiv-
25 ing a grant or a contract under subsection (a) to

1 carry out a project described in subsection (a) shall
2 evaluate the multigenerational activities or civic en-
3 gagement activities carried out under the project to
4 determine—

5 “(A) the effectiveness of the activities in-
6 volved;

7 “(B) the impact of such activities on the
8 community being served and the organization
9 providing the activities; and

10 “(C) the impact of such activities on older
11 individuals involved in such project.

12 “(2) REPORT.—The organization shall submit a
13 report to the Assistant Secretary containing the
14 evaluation not later than 6 months after the expira-
15 tion of the period for which the grant or contract is
16 in effect.

17 “(g) REPORT TO CONGRESS.—Not later than 6
18 months after the Assistant Secretary receives the reports
19 described in subsection (f)(2), the Assistant Secretary
20 shall prepare and submit to the Speaker of the House of
21 Representatives and the President pro tempore of the Sen-
22 ate a report that assesses the evaluations and includes,
23 at a minimum—

24 “(1) the names or descriptive titles of the
25 projects funded under subsection (a);

1 “(2) a description of the nature and operation
2 of the projects;

3 “(3) the names and addresses of organizations
4 that conducted the projects;

5 “(4) in the case of projects carried out under
6 subsection (a)(1), a description of the methods and
7 success of the projects in recruiting older individuals
8 as employees and as volunteers to participate in the
9 projects;

10 “(5) in the case of projects carried out under
11 subsection (a)(1), a description of the success of the
12 projects in retaining older individuals participating
13 in the projects as employees and as volunteers;

14 “(6) in the case of projects carried out under
15 subsection (a)(1), the rate of turnover of older indi-
16 vidual employees and volunteers in the projects;

17 “(7) a strategy for disseminating the findings
18 resulting from the projects described in paragraph
19 (1); and

20 “(8) any policy change recommendations relat-
21 ing to the projects.

22 “(h) DEFINITIONS.—As used in this section:

23 “(1) MULTIGENERATIONAL ACTIVITY.—The
24 term ‘multigenerational activity’ means an activity
25 that provides an opportunity for interaction between

1 2 or more individuals of different generations, in-
2 cluding activities connecting older individuals and
3 youth in a child care program, a youth day care pro-
4 gram, an educational assistance program, an at-risk
5 youth intervention program, a juvenile delinquency
6 treatment program, a before- or after-school pro-
7 gram, a library program, or a family support pro-
8 gram.

9 “(2) MULTIGENERATIONAL COORDINATOR.—
10 The term ‘multigenerational coordinator’ means a
11 person who—

12 “(A) builds the capacity of public and non-
13 profit organizations to develop meaningful roles
14 and assignments, that use the time, skill, and
15 experience of older individuals to serve those or-
16 ganizations; and

17 “(B) nurtures productive, sustainable
18 working relationships between—

19 “(i) individuals from the generations
20 with older individuals; and

21 “(ii) individuals in younger genera-
22 tions.”.

1 **SEC. 407. NATIVE AMERICAN PROGRAMS.**

2 Section 418(a)(2)(B)(i) of the Older Americans Act
3 of 1965 (42 U.S.C. 3032g(a)(2)(B)(i)) is amended by in-
4 serting “(including mental health)” after “health”.

5 **SEC. 408. MULTIDISCIPLINARY CENTERS AND MULTIDISCI-**
6 **PLINARY SYSTEMS.**

7 Section 419 of the Older Americans Act of 1965 (42
8 U.S.C. 3032h) is amended—

9 (1) by striking the title and inserting the fol-
10 lowing:

11 **“SEC. 419. MULTIDISCIPLINARY CENTERS AND MULTIDISCI-**
12 **PLINARY SYSTEMS.”;**

13 (2)(A) in subsection (b)(2), by redesignating
14 subparagraphs (A) through (G) as clauses (i)
15 through (vii), respectively;

16 (B) in subsection (c)(2), by redesignating sub-
17 paragraphs (A) through (D) as clauses (i) through
18 (iv), respectively; and

19 (C) by aligning the margins of the clauses de-
20 scribed in subparagraphs (A) and (B) with the mar-
21 gins of clause (iv) of section 418(a)(2)(A) of such
22 Act;

23 (3)(A) in subsection (b), by redesignating para-
24 graphs (1) and (2) as subparagraphs (A) and (B),
25 respectively;

1 (B) in subsection (c), by redesignating para-
2 graphs (1) and (2) as subparagraphs (A) and (B),
3 respectively; and

4 (C) by aligning the margins of the subpara-
5 graphs described in subparagraphs (A) and (B) with
6 the margins of subparagraph (D) of section
7 420(a)(1) of such Act;

8 (4) in subsection (a), by striking “(a)” and all
9 that follows through “The” and inserting the fol-
10 lowing:

11 “(a) MULTIDISCIPLINARY CENTERS.—

12 “(1) PROGRAM AUTHORIZED.—The”;

13 (5) in subsection (b)—

14 (A) by striking the following:

15 “(b) USE OF FUNDS.—” and inserting the following:

16 “(2) USE OF FUNDS.—”; and

17 (B) by striking “subsection (a)” each place
18 it appears and inserting “paragraph (1)”;

19 (6) in subsection (c)—

20 (A) by striking the following:

21 “(c) DATA.—” and inserting the following:

22 “(3) DATA.—”;

23 (B) by striking “subsection (a)” and in-
24 serting “paragraph (1)”;

1 (C) by striking “such subsection” and in-
2 serting “such paragraph”;

3 (D) by striking “paragraph (1)” and in-
4 serting “subparagraph (A)”; and

5 (E) by striking “this section” and insert-
6 ing “this subsection”;

7 (7) in subsection (a) (as so redesignated)—

8 (A) in paragraph (1), by inserting “diverse
9 populations of older individuals residing in
10 urban communities,” after “minority popu-
11 lations,”;

12 (B) in paragraph (2)(B)—

13 (C)(i) in clause (v), by inserting “, includ-
14 ing information about best practices in long-
15 term care service delivery, housing, and trans-
16 portation” before the semicolon at the end;

17 (ii) in clause (vi)—

18 (I) by striking “consultation and”;

19 (II) by inserting “and other technical
20 assistance” after “information”; and

21 (III) by striking “and” at the end;

22 (iii) in clause (vii), by striking the period
23 at the end and inserting “; and”; and

24 (iv) by adding at the end the following:

1 “(viii) provide training and technical
2 assistance to support the provision of com-
3 munity-based mental health services for
4 older individuals.”; and

5 (8) by adding at the end the following:

6 “(b) MULTIDISCIPLINARY HEALTH SERVICES IN
7 COMMUNITIES.—

8 “(1) PROGRAM AUTHORIZED.—The Assistant
9 Secretary shall make grants to States, on a competi-
10 tive basis, for the development and operation of—

11 “(A) systems for the delivery of mental
12 health screening and treatment services for
13 older individuals who lack access to such serv-
14 ices; and

15 “(B) programs to—

16 “(i) increase public awareness regard-
17 ing the benefits of prevention and treat-
18 ment of mental disorders in older individ-
19 uals;

20 “(ii) reduce the stigma associated
21 with mental disorders in older individuals
22 and other barriers to the diagnosis and
23 treatment of the disorders; and

1 “(iii) reduce age-related prejudice and
2 discrimination regarding mental disorders
3 in older individuals.

4 “(2) APPLICATION.—To be eligible to receive a
5 grant under this subsection for a State, a State
6 agency shall submit an application to the Assistant
7 Secretary at such time, in such manner, and con-
8 taining such information as the Assistant Secretary
9 may require.

10 “(3) STATE ALLOCATION AND PRIORITIES.—A
11 State agency that receives funds through a grant
12 made under this subsection shall allocate the funds
13 to area agencies on aging to carry out this sub-
14 section in planning and service areas in the State.
15 In allocating the funds, the State agency shall give
16 priority to planning and service areas in the State—

17 “(A) that are medically underserved; and

18 “(B) in which there are large numbers of
19 older individuals.

20 “(4) AREA COORDINATION OF SERVICES WITH
21 OTHER PROVIDERS.—In carrying out this sub-
22 section, to more efficiently and effectively deliver
23 services to older individuals, each area agency on
24 aging shall—

1 “(A) coordinate services described in sub-
2 paragraphs (A) and (B) of paragraph (1) with
3 such services or similar or related services of
4 other community agencies, and voluntary orga-
5 nizations; and

6 “(B) to the greatest extent practicable, in-
7 tegrate outreach and educational activities with
8 such activities of existing (as of the date of the
9 integration) social service and health care (in-
10 cluding mental health) providers serving older
11 individuals in the planning and service area in-
12 volved.

13 “(5) RELATIONSHIP TO OTHER FUNDING
14 SOURCES.—Funds made available under this sub-
15 section shall supplement, and not supplant, any Fed-
16 eral, State, and local funds expended by a State or
17 unit of general purpose local government (including
18 an area agency on aging) to provide the services de-
19 scribed in subparagraphs (A) and (B) of paragraph
20 (1).

21 “(6) DEFINITION.—In this subsection, the term
22 ‘mental health screening and treatment services’
23 means patient screening, diagnostic services, care
24 planning and oversight, therapeutic interventions,
25 and referrals, that are—

1 “(A) provided pursuant to evidence-based
 2 intervention and treatment protocols (to the ex-
 3 tent such protocols are available) for mental
 4 disorders prevalent in older individuals; and

5 “(B) coordinated and integrated with the
 6 services of social service and health care (in-
 7 cluding mental health) providers in an area in
 8 order to—

9 “(i) improve patient outcomes; and

10 “(ii) ensure, to the maximum extent
 11 feasible, the continuing independence of
 12 older individuals who are residing in the
 13 area.”.

14 **SEC. 409. COMMUNITY INNOVATIONS FOR AGING IN PLACE.**

15 Part A of title IV of the Older Americans Act of 1965
 16 (42 U.S.C. 3031 et seq.) is amended by adding at the end
 17 the following:

18 **“SEC. 422. COMMUNITY INNOVATIONS FOR AGING IN**
 19 **PLACE.**

20 “(a) DEFINITIONS.—In this section:

21 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
 22 tity’—

23 “(A) means a nonprofit health or social
 24 service organization, a community-based non-
 25 profit organization, an area agency on aging or

1 other local government agency, a tribal organi-
2 zation, or another entity that—

3 “(i) the Assistant Secretary deter-
4 mines to be appropriate to carry out a
5 project under this part; and

6 “(ii) demonstrates a record of, and ex-
7 perience in, providing or administering
8 group and individual health and social
9 services for older individuals; and

10 “(B) does not include an entity providing
11 housing under the congregate housing services
12 program carried out under section 802 of the
13 Cranston-Gonzalez National Affordable Hous-
14 ing Act (42 U.S.C. 8011) or the multifamily
15 service coordinator program carried out under
16 section 202(g) of the Housing Act of 1959 (12
17 U.S.C. 1701q(g)).

18 “(2) NATURALLY OCCURRING RETIREMENT
19 COMMUNITY.—The term ‘Naturally Occurring Re-
20 tirement Community’ means a community with a
21 concentrated population of older individuals, which
22 may include a residential building, a housing com-
23 plex, an area (including a rural area) of single fam-
24 ily residences, or a neighborhood composed of age-
25 integrated housing—

1 “(A) where—

2 “(i) 40 percent of the heads of house-
3 holds are older individuals; or

4 “(ii) a critical mass of older individ-
5 uals exists, based on local factors that,
6 taken in total, allow an organization to
7 achieve efficiencies in the provision of
8 health and social services to older individ-
9 uals living in the community; and

10 “(B) that is not an institutional care or as-
11 sisted living setting.

12 “(b) GRANTS.—

13 “(1) IN GENERAL.—The Assistant Secretary
14 shall make grants, on a competitive basis, to eligible
15 entities to develop and carry out model aging in
16 place projects. The projects shall promote aging in
17 place for older individuals (including such individ-
18 uals who reside in Naturally Occurring Retirement
19 Communities), in order to sustain the independence
20 of older individuals. A recipient of a grant under
21 this subsection shall identify innovative strategies for
22 providing, and linking older individuals to programs
23 and services that provide, comprehensive and coordi-
24 nated health and social services to sustain the qual-

1 ity of life of older individuals and support aging in
2 place.

3 “(2) GRANT PERIODS.—The Assistant Sec-
4 retary shall make the grants for periods of 3 years.

5 “(c) APPLICATIONS.—

6 “(1) IN GENERAL.—To be eligible to receive a
7 grant under subsection (b) for a project, an entity
8 shall submit an application to the Assistant Sec-
9 retary at such time, in such manner, and containing
10 such information as the Assistant Secretary may re-
11 quire.

12 “(2) CONTENTS.—The application shall in-
13 clude—

14 “(A) a detailed description of the entity’s
15 experience in providing services to older individ-
16 uals in age-integrated settings;

17 “(B) a definition of the contiguous service
18 area and a description of the project area in
19 which the older individuals reside or carry out
20 activities to sustain their well-being;

21 “(C) the results of a needs assessment that
22 identifies—

23 “(i) existing (as of the date of the as-
24 sessment) community-based health and so-

1 cial services available to individuals resid-
2 ing in the project area;

3 “(ii) the strengths and gaps of such
4 existing services in the project area;

5 “(iii) the needs of older individuals
6 who reside in the project area; and

7 “(iv) services not being delivered that
8 would promote aging in place and con-
9 tribute to the well-being of older individ-
10 uals residing in the project area;

11 “(D) a plan for the development and im-
12 plementation of an innovative model for service
13 coordination and delivery within the project
14 area;

15 “(E) a description of how the plan de-
16 scribed in subparagraph (D) will enhance exist-
17 ing services described in subparagraph (C)(i)
18 and support the goal of this section to promote
19 aging in place;

20 “(F) a description of proposed actions by
21 the entity to prevent the duplication of services
22 funded under a provision of this Act, other than
23 this section, and a description of how the entity
24 will cooperate, and coordinate planning and
25 services (including any formal agreements),

1 with agencies and organizations that provide
2 publicly supported services for older individuals
3 in the project area, including the State agency
4 and area agencies on aging with planning and
5 service areas in the project area;

6 “(G) an assurance that the entity will seek
7 to establish cooperative relationships with inter-
8 ested local entities, including private agencies
9 and businesses that provide health and social
10 services, housing entities, community develop-
11 ment organizations, philanthropic organizations,
12 foundations, and other non-Federal entities;

13 “(H) a description of the entity’s protocol
14 for referral of residents who may require long-
15 term care services, including coordination with
16 local agencies, including area agencies on aging
17 and Aging and Disability Resource Centers that
18 serve as single points of entry to public services;

19 “(I) a description of how the entity will
20 offer opportunities for older individuals to be
21 involved in the governance, oversight, and oper-
22 ation of the project;

23 “(J) an assurance that the entity will sub-
24 mit to the Assistant Secretary such evaluations

1 and reports as the Assistant Secretary may re-
2 quire; and

3 “(K) a plan for long-term sustainability of
4 the project.

5 “(d) USE OF FUNDS.—

6 “(1) IN GENERAL.—An eligible entity that re-
7 ceives a grant under subsection (b) shall use the
8 funds made available through the grant to—

9 “(A) ensure access by older individuals in
10 the project area to community-based health and
11 social services consisting of—

12 “(i) case management, case assist-
13 ance, and social work services;

14 “(ii) health care management and
15 health care assistance, including disease
16 prevention and health promotion services;

17 “(iii) education, socialization, and rec-
18 reational activities; and

19 “(iv) volunteer opportunities for
20 project participants;

21 “(B) conduct outreach to older individuals
22 within the project area; and

23 “(C) develop and implement innovative,
24 comprehensive, and cost-effective approaches
25 for the delivery and coordination of community-

1 based health and social services, including those
2 identified in subparagraph (A)(iv), which may
3 include mental health services, for eligible older
4 individuals.

5 “(2) COORDINATION.—An eligible entity receiv-
6 ing a grant under subsection (b) for a project shall
7 coordinate activities with organizations providing
8 services funded under title III to support such serv-
9 ices for or facilitate the delivery of such services to
10 eligible older individuals served by the project.

11 “(3) PREFERENCE.—In carrying out an aging
12 in place project, an eligible entity shall, to the extent
13 practicable, serve a community of low-income indi-
14 viduals and operate or locate the project and services
15 in or in close proximity to a location where a large
16 concentration of older individuals has aged in place
17 and resided, such as a Naturally Occurring Retirement
18 Community.

19 “(4) SUPPLEMENT NOT SUPPLANT.—Funds
20 made available to an eligible entity under subsection
21 (b) shall be used to supplement, not supplant, any
22 Federal, State, or other funds otherwise available to
23 the entity to provide health and social services to eli-
24 gible older individuals.

1 “(e) COMPETITIVE GRANTS FOR TECHNICAL ASSIST-
2 ANCE.—

3 “(1) GRANTS.—The Assistant Secretary shall
4 (or shall make a grant, on a competitive basis, to an
5 eligible nonprofit organization, to enable the organi-
6 zation to)—

7 “(A) provide technical assistance to recipi-
8 ents of grants under subsection (b); and

9 “(B) carry out other duties, as determined
10 by the Assistant Secretary.

11 “(2) ELIGIBLE ORGANIZATION.—To be eligible
12 to receive a grant under this subsection, an organi-
13 zation shall be a nonprofit organization (including a
14 partnership of nonprofit organizations), that—

15 “(A) has experience and expertise in pro-
16 viding technical assistance to a range of entities
17 serving older individuals and experience evalu-
18 ating and reporting on programs; and

19 “(B) has demonstrated knowledge of and
20 expertise in community-based health and social
21 services.

22 “(3) APPLICATION.—To be eligible to receive a
23 grant under this subsection, an organization (includ-
24 ing a partnership of nonprofit organizations) shall
25 submit an application to the Assistant Secretary at

1 such time, in such manner, and containing such in-
2 formation as the Assistant Secretary may require,
3 including an assurance that the organization will
4 submit to the Assistant Secretary such evaluations
5 and reports as the Assistant Secretary may require.

6 “(f) REPORT.—The Assistant Secretary shall annu-
7 ally prepare and submit a report to Congress that shall
8 include—

9 “(1) the findings resulting from the evaluations
10 of the model projects conducted under this section;

11 “(2) a description of recommended best prac-
12 tices regarding carrying out health and social service
13 projects for older individuals aging in place; and

14 “(3) recommendations for legislative or admin-
15 istrative action, as the Assistant Secretary deter-
16 mines appropriate.”.

17 **SEC. 410. RESPONSIBILITIES OF ASSISTANT SECRETARY.**

18 Section 432(c)(2)(B) of the Older Americans Act of
19 1965 (42 U.S.C. 3033a(c)(2)(B)) is amended by inserting
20 “, including preparing an analysis of such services,
21 projects, and programs, and of how the evaluation relates
22 to improvements in such services, projects, and programs
23 and in the strategic plan of the Administration” before
24 the period at the end.

1 **TITLE V—OLDER AMERICAN**
2 **COMMUNITY SERVICE EM-**
3 **PLOYMENT PROGRAM**

4 **SEC. 501. COMMUNITY SERVICE SENIOR OPPORTUNITIES**
5 **ACT.**

6 Title V of the Older Americans Act of 1965 (42
7 U.S.C. 3056 et seq.) is amended to read as follows:

8 **“TITLE V—COMMUNITY SERVICE**
9 **SENIOR OPPORTUNITIES ACT**

10 **“SEC. 501. SHORT TITLE.**

11 “This title may be cited as the ‘Community Service
12 Senior Opportunities Act’.

13 **“SEC. 502. OLDER AMERICAN COMMUNITY SERVICE EM-**
14 **PLOYMENT PROGRAM.**

15 “(a) IN GENERAL.—

16 “(1) ESTABLISHMENT OF PROGRAM.—To foster
17 individual economic self-sufficiency and promote use-
18 ful opportunities in community service activities
19 (which shall include community service employment)
20 for unemployed low-income persons who are age 55
21 or older, particularly persons who have poor employ-
22 ment prospects, and to increase the number of per-
23 sons who may enjoy the benefits of unsubsidized em-
24 ployment in both the public and private sectors, the
25 Secretary of Labor (referred to in this title as the

1 ‘Secretary’) may establish an older American com-
2 munity service employment program.

3 “(2) USE OF APPROPRIATED AMOUNTS.—
4 Amounts appropriated to carry out this title shall be
5 used only to carry out the provisions contained in
6 this title.

7 “(b) GRANT AUTHORITY.—

8 “(1) PROJECTS.—To carry out this title, the
9 Secretary may make grants to public and nonprofit
10 private agencies and organizations, agencies of a
11 State, and tribal organizations to carry out the pro-
12 gram established under subsection (a). Such grants
13 may provide for the payment of costs, as provided in
14 subsection (c), of projects developed by such organi-
15 zations and agencies in cooperation with the Sec-
16 retary in order to make such program effective or to
17 supplement such program. The Secretary shall make
18 the grants from allotments made under section 506,
19 and in accordance with section 514. No payment
20 shall be made by the Secretary toward the cost of
21 any project established or administered by such an
22 organization or agency unless the Secretary deter-
23 mines that such project—

24 “(A) will provide community service em-
25 ployment only for eligible individuals except for

1 necessary technical, administrative, and super-
2 visory personnel, and such personnel will, to the
3 fullest extent possible, be recruited from among
4 eligible individuals;

5 “(B)(i) will provide community service em-
6 ployment and other authorized activities for eli-
7 gible individuals in the community in which
8 such individuals reside, or in nearby commu-
9 nities; or

10 “(ii) if such project is carried out by a
11 tribal organization that receives a grant under
12 this subsection or receives assistance from a
13 State that receives a grant under this sub-
14 section, will provide community service employ-
15 ment and other authorized activities for such
16 individuals, including those who are Indians re-
17 siding on an Indian reservation, as defined in
18 section 2601 of the Energy Policy Act of 1992
19 (25 U.S.C. 3501);

20 “(C) will comply with an average participa-
21 tion cap for eligible individuals (in the aggre-
22 gate) of—

23 “(i) 27 months; or

24 “(ii) pursuant to the request of a
25 grantee, an extended period of participa-

1 tion established by the Secretary for a spe-
2 cific project area for such grantee, up to a
3 period of not more than 36 months, if the
4 Secretary determines that extenuating cir-
5 cumstances exist relating to the factors
6 identified in section 513(a)(2)(D) that jus-
7 tify such an extended period for the pro-
8 gram year involved;

9 “(D) will employ eligible individuals in
10 service related to publicly owned and operated
11 facilities and projects, or projects sponsored by
12 nonprofit organizations (excluding political par-
13 ties exempt from taxation under section
14 501(c)(3) of the Internal Revenue Code of
15 1986), but excluding projects involving the con-
16 struction, operation, or maintenance of any fa-
17 cility used or to be used as a place for sectarian
18 religious instruction or worship;

19 “(E) will contribute to the general welfare
20 of the community, which may include support
21 for children, youth, and families;

22 “(F) will provide community service em-
23 ployment and other authorized activities for eli-
24 gible individuals;

1 “(G)(i) will not reduce the number of em-
2 ployment opportunities or vacancies that would
3 otherwise be available to individuals not partici-
4 pating in the program;

5 “(ii) will not displace currently employed
6 workers (including partial displacement, such as
7 a reduction in the hours of nonovertime work,
8 wages, or employment benefits);

9 “(iii) will not impair existing contracts or
10 result in the substitution of Federal funds for
11 other funds in connection with work that would
12 otherwise be performed; and

13 “(iv) will not employ or continue to employ
14 any eligible individual to perform the same
15 work or substantially the same work as that
16 performed by any other individual who is on
17 layoff;

18 “(H) will coordinate activities with training
19 and other services provided under title I of the
20 Workforce Investment Act of 1998 (29 U.S.C.
21 2801 et seq.), including utilizing the one-stop
22 delivery system of the local workforce invest-
23 ment areas involved to recruit eligible individ-
24 uals to ensure that the maximum number of eli-

1 gible individuals will have an opportunity to
2 participate in the project;

3 “(I) will include such training (such as
4 work experience, on-the-job training, and class-
5 room training) as may be necessary to make the
6 most effective use of the skills and talents of
7 those individuals who are participating, and will
8 provide for the payment of the reasonable ex-
9 penses of individuals being trained, including a
10 reasonable subsistence allowance equivalent to
11 the wage described in subparagraph (J);

12 “(J) will ensure that safe and healthy em-
13 ployment conditions will be provided, and will
14 ensure that participants employed in commu-
15 nity service and other jobs assisted under this
16 title will be paid wages that shall not be lower
17 than whichever is the highest of—

18 “(i) the minimum wage that would be
19 applicable to such a participant under the
20 Fair Labor Standards Act of 1938 (29
21 U.S.C. 201 et seq.), if section 6(a)(1) of
22 such Act (29 U.S.C. 206(a)(1)) applied to
23 the participant and if the participant were
24 not exempt under section 13 of such Act
25 (29 U.S.C. 213);

1 “(ii) the State or local minimum wage
2 for the most nearly comparable covered
3 employment; or

4 “(iii) the prevailing rates of pay for
5 individuals employed in similar public oc-
6 cupations by the same employer;

7 “(K) will be established or administered
8 with the advice of persons competent in the
9 field of service in which community service em-
10 ployment or other authorized activities are
11 being provided, and of persons who are knowl-
12 edgeable about the needs of older individuals;

13 “(L) will authorize payment for necessary
14 supportive services costs (including transpor-
15 tation costs) of eligible individuals that may be
16 incurred in training in any project funded
17 under this title, in accordance with rules issued
18 by the Secretary;

19 “(M) will ensure that, to the extent fea-
20 sible, such project will serve the needs of minor-
21 ity and Indian eligible individuals, eligible indi-
22 viduals with limited English proficiency, and eli-
23 gible individuals with greatest economic need,
24 at least in proportion to their numbers in the

1 area served and take into consideration their
2 rates of poverty and unemployment;

3 “(N)(i) will prepare an assessment of the
4 participants’ skills and talents and their needs
5 for services, except to the extent such project
6 has, for the participant involved, recently pre-
7 pared an assessment of such skills and talents,
8 and such needs, pursuant to another employ-
9 ment or training program (such as a program
10 under the Workforce Investment Act of 1998
11 (29 U.S.C. 2801 et seq.), the Carl D. Perkins
12 Career and Technical Education Act of 2006
13 (20 U.S.C. 2301 et seq.), or part A of title IV
14 of the Social Security Act (42 U.S.C. 601 et
15 seq.)) and will prepare a related service strat-
16 egy;

17 “(ii) will provide training and employment
18 counseling to eligible individuals based on strat-
19 egies that identify appropriate employment ob-
20 jectives and the need for supportive services,
21 developed as a result of the assessment and
22 service strategy provided for in clause (i), and
23 provide other appropriate information regarding
24 such project; and

1 “(iii) will provide counseling to partici-
2 pants on their progress in meeting such objec-
3 tives and satisfying their need for supportive
4 services;

5 “(O) will provide appropriate services for
6 participants, or refer the participants to appro-
7 priate services, through the one-stop delivery
8 system of the local workforce investment areas
9 involved as established under section 134(c) of
10 the Workforce Investment Act of 1998 (29
11 U.S.C. 2864(c)), and will be involved in the
12 planning and operations of such system pursu-
13 ant to a memorandum of understanding with
14 the local workforce investment board in accord-
15 ance with section 121(c) of such Act (29 U.S.C.
16 2841(c));

17 “(P) will post in such project workplace a
18 notice, and will make available to each person
19 associated with such project a written expla-
20 nation—

21 “(i) clarifying the law with respect to
22 political activities allowable and unallow-
23 able under chapter 15 of title 5, United
24 States Code, applicable to the project and

1 to each category of individuals associated
2 with such project; and

3 “(ii) containing the address and tele-
4 phone number of the Inspector General of
5 the Department of Labor, to whom ques-
6 tions regarding the application of such
7 chapter may be addressed;

8 “(Q) will provide to the Secretary the de-
9 scription and information described in—

10 “(i) paragraph (8), relating to coordi-
11 nation with other Federal programs, of
12 section 112(b) of the Workforce Invest-
13 ment Act of 1998 (29 U.S.C. 2822(b));
14 and

15 “(ii) paragraph (14), relating to im-
16 plementation of one-stop delivery systems,
17 of section 112(b) of the Workforce Invest-
18 ment Act of 1998; and

19 “(R) will ensure that entities that carry
20 out activities under the project (including State
21 agencies, local entities, subgrantees, and sub-
22 contractors) and affiliates of such entities re-
23 ceive an amount of the administrative cost allo-
24 cation determined by the Secretary, in consulta-
25 tion with grantees, to be sufficient.

1 “(2) REGULATIONS.—The Secretary may estab-
2 lish, issue, and amend such regulations as may be
3 necessary to effectively carry out this title.

4 “(3) ASSESSMENT AND SERVICE STRATEGIES.—

5 “(A) PREPARED UNDER THIS ACT.—An
6 assessment and service strategy required by
7 paragraph (1)(N) to be prepared for an eligible
8 individual shall satisfy any condition for an as-
9 sessment and service strategy or individual em-
10 ployment plan for an adult participant under
11 subtitle B of title I of the Workforce Invest-
12 ment Act of 1998 (29 U.S.C. 2811 et seq.), in
13 order to determine whether such eligible indi-
14 vidual also qualifies for intensive or training
15 services described in section 134(d) of such Act
16 (29 U.S.C. 2864(d)).

17 “(B) PREPARED UNDER WORKFORCE IN-
18 VESTMENT ACT OF 1998.—An assessment and
19 service strategy or individual employment plan
20 prepared under subtitle B of title I of the
21 Workforce Investment Act of 1998 (29 U.S.C.
22 2811 et seq.) for an eligible individual may be
23 used to comply with the requirement specified
24 in subparagraph (A).

25 “(c) FEDERAL SHARE AND USE OF FUNDS.—

1 “(1) FEDERAL SHARE.—The Secretary may
2 pay a Federal share not to exceed 90 percent of the
3 cost of any project for which a grant is made under
4 subsection (b), except that the Secretary may pay all
5 of such cost if such project is—

6 “(A) an emergency or disaster project; or

7 “(B) a project located in an economically
8 depressed area, as determined by the Secretary
9 in consultation with the Secretary of Commerce
10 and the Secretary of Health and Human Serv-
11 ices.

12 “(2) NON-FEDERAL SHARE.—The non-Federal
13 share shall be in cash or in kind. In determining the
14 amount of the non-Federal share, the Secretary may
15 attribute fair market value to services and facilities
16 contributed from non-Federal sources.

17 “(3) USE OF FUNDS FOR ADMINISTRATIVE
18 COSTS.—Of the grant amount to be paid under this
19 subsection by the Secretary for a project, not to ex-
20 ceed 13.5 percent shall be available for any fiscal
21 year to pay the administrative costs of such project,
22 except that—

23 “(A) the Secretary may increase the
24 amount available to pay the administrative
25 costs to an amount not to exceed 15 percent of

1 the grant amount if the Secretary determines,
2 based on information submitted by the grantee
3 under subsection (b), that such increase is nec-
4 essary to carry out such project; and

5 “(B) if the grantee under subsection (b)
6 demonstrates to the Secretary that—

7 “(i) major administrative cost in-
8 creases are being incurred in necessary
9 program components, including liability in-
10 surance, payments for workers’ compensa-
11 tion, costs associated with achieving unsub-
12 sidized placement goals, and costs associ-
13 ated with other operation requirements im-
14 posed by the Secretary;

15 “(ii) the number of community service
16 employment positions in the project or the
17 number of minority eligible individuals par-
18 ticipating in the project will decline if the
19 amount available to pay the administrative
20 costs is not increased; or

21 “(iii) the size of the project is so small
22 that the amount of administrative costs in-
23 curred to carry out the project necessarily
24 exceeds 13.5 percent of the grant amount;

1 the Secretary shall increase the amount avail-
2 able for such fiscal year to pay the administra-
3 tive costs to an amount not to exceed 15 per-
4 cent of the grant amount.

5 “(4) ADMINISTRATIVE COSTS.—For purposes of
6 this title, administrative costs are the costs, both
7 personnel-related and nonpersonnel-related and both
8 direct and indirect, associated with the following:

9 “(A) The costs of performing general ad-
10 ministrative functions and of providing for the
11 coordination of functions, such as the costs of—

12 “(i) accounting, budgeting, and finan-
13 cial and cash management;

14 “(ii) procurement and purchasing;

15 “(iii) property management;

16 “(iv) personnel management;

17 “(v) payroll functions;

18 “(vi) coordinating the resolution of
19 findings arising from audits, reviews, in-
20 vestigations, and incident reports;

21 “(vii) audits;

22 “(viii) general legal services;

23 “(ix) developing systems and proce-
24 dures, including information systems, re-
25 quired for administrative functions;

1 “(x) preparing administrative reports;
2 and

3 “(xi) other activities necessary for the
4 general administration of government
5 funds and associated programs.

6 “(B) The costs of performing oversight
7 and monitoring responsibilities related to ad-
8 ministrative functions.

9 “(C) The costs of goods and services re-
10 quired for administrative functions of the
11 project involved, including goods and services
12 such as rental or purchase of equipment, utili-
13 ties, office supplies, postage, and rental and
14 maintenance of office space.

15 “(D) The travel costs incurred for official
16 business in carrying out administrative activi-
17 ties or overall management.

18 “(E) The costs of information systems re-
19 lated to administrative functions (such as per-
20 sonnel, procurement, purchasing, property man-
21 agement, accounting, and payroll systems), in-
22 cluding the purchase, systems development, and
23 operating costs of such systems.

24 “(F) The costs of technical assistance, pro-
25 fessional organization membership dues, and

1 evaluating results obtained by the project in-
2 volved against stated objectives.

3 “(5) NON-FEDERAL SHARE OF ADMINISTRATIVE
4 COSTS.—To the extent practicable, an entity that
5 carries out a project under this title shall provide for
6 the payment of the expenses described in paragraph
7 (4) from non-Federal sources.

8 “(6) USE OF FUNDS FOR WAGES AND BENE-
9 FITS AND PROGRAMMATIC ACTIVITY COSTS.—

10 “(A) IN GENERAL.—Amounts made avail-
11 able for a project under this title that are not
12 used to pay for the administrative costs shall be
13 used to pay for the costs of programmatic ac-
14 tivities, including the costs of—

15 “(i) participant wages, such benefits
16 as are required by law (such as workers’
17 compensation or unemployment compensa-
18 tion), the costs of physical examinations,
19 compensation for scheduled work hours
20 during which an employer’s business is
21 closed for a Federal holiday, and necessary
22 sick leave that is not part of an accumu-
23 lated sick leave program, except that no
24 amounts provided under this title may be
25 used to pay the cost of pension benefits,

1 annual leave, accumulated sick leave, or
2 bonuses;

3 “(ii) participant training (including
4 the payment of reasonable costs of instruc-
5 tors, classroom rental, training supplies,
6 materials, equipment, and tuition), which
7 may be provided prior to or subsequent to
8 placement and which may be provided on
9 the job, in a classroom setting, or pursuant
10 to other appropriate arrangements;

11 “(iii) job placement assistance, includ-
12 ing job development and job search assist-
13 ance;

14 “(iv) participant supportive services to
15 enable a participant to successfully partici-
16 pate in a project under this title, which
17 may include the payment of reasonable
18 costs of transportation, health and medical
19 services, special job-related or personal
20 counseling, incidentals (such as work
21 shoes, badges, uniforms, eyeglasses, and
22 tools), child and adult care, temporary
23 shelter, and follow-up services; and

24 “(v) outreach, recruitment and selec-
25 tion, intake, orientation, and assessments.

1 “(B) USE OF FUNDS FOR WAGES AND
2 BENEFITS.—From the funds made available
3 through a grant made under subsection (b), a
4 grantee under this title—

5 “(i) except as provided in clause (ii),
6 shall use not less than 75 percent of the
7 grant funds to pay the wages, benefits, and
8 other costs described in subparagraph
9 (A)(i) for eligible individuals who are em-
10 ployed under projects carried out under
11 this title; or

12 “(ii) that obtains approval for a re-
13 quest described in subparagraph (C) may
14 use not less than 65 percent of the grant
15 funds to pay the wages, benefits, and other
16 costs described in subparagraph (A)(i).

17 “(C) REQUEST TO USE ADDITIONAL
18 FUNDS FOR PROGRAMMATIC ACTIVITY COSTS.—

19 “(i) IN GENERAL.—A grantee may
20 submit to the Secretary a request for ap-
21 proval—

22 “(I) to use not less than 65 per-
23 cent of the grant funds to pay the
24 wages, benefits, and other costs de-
25 scribed in subparagraph (A)(i);

1 “(II) to use the percentage of
2 grant funds described in paragraph
3 (3) to pay for administrative costs, as
4 specified in that paragraph;

5 “(III) to use not more than 10
6 percent of the grant funds for indi-
7 vidual participants to provide activi-
8 ties described in clauses (ii) and (iv)
9 of subparagraph (A), in which case
10 the grantee shall provide (from the
11 funds described in this subclause) the
12 subsistence allowance described in
13 subsection (b)(1)(I) for those indi-
14 vidual participants who are receiving
15 training described in that subsection
16 from the funds described in this sub-
17 clause, but may not use the funds de-
18 scribed in this subclause to pay for
19 any administrative costs; and

20 “(IV) to use the remaining grant
21 funds to provide activities described in
22 clauses (ii) through (v) of subpara-
23 graph (A).

1 “(ii) CONTENTS.—In submitting the
2 request the grantee shall include in the re-
3 quest—

4 “(I) a description of the activities
5 for which the grantee will spend the
6 grant funds described in subclauses
7 (III) and (IV) of clause (i), consistent
8 with those subclauses;

9 “(II) an explanation documenting
10 how the provision of such activities
11 will improve the effectiveness of the
12 project, including an explanation con-
13 cerning whether any displacement of
14 eligible individuals or elimination of
15 positions for such individuals will
16 occur, information on the number of
17 such individuals to be displaced and of
18 such positions to be eliminated, and
19 an explanation concerning how the ac-
20 tivities will improve employment out-
21 comes for individuals served, based on
22 the assessment conducted under sub-
23 section (b)(1)(N); and

24 “(III) a proposed budget and
25 work plan for the activities, including

1 a detailed description of the funds to
2 be spent on the activities described in
3 subclauses (III) and (IV) of clause (i).

4 “(iii) SUBMISSION.—The grantee shall
5 submit a request described in clause (i) not
6 later than 90 days before the proposed
7 date of implementation contained in the re-
8 quest. Not later than 30 days before the
9 proposed date of implementation, the Sec-
10 retary shall approve, approve as modified,
11 or reject the request, on the basis of the
12 information included in the request as de-
13 scribed in clause (ii).

14 “(D) REPORT.—Each grantee under sub-
15 section (b) shall annually prepare and submit to
16 the Secretary a report documenting the grant-
17 ee’s use of funds for activities described in
18 clauses (i) through (v) of subparagraph (A).

19 “(d) PROJECT DESCRIPTION.—Whenever a grantee
20 conducts a project within a planning and service area in
21 a State, such grantee shall conduct such project in con-
22 sultation with the area agency on aging of the planning
23 and service area and shall submit to the State agency and
24 the area agency on aging a description of such project to
25 be conducted in the State, including the location of the

1 project, 90 days prior to undertaking the project, for re-
2 view and public comment according to guidelines the Sec-
3 retary shall issue to assure efficient and effective coordina-
4 tion of projects under this title.

5 “(e) PILOT, DEMONSTRATION, AND EVALUATION
6 PROJECTS.—

7 “(1) IN GENERAL.—The Secretary, in addition
8 to exercising any other authority contained in this
9 title, shall use funds reserved under section
10 506(a)(1) to carry out demonstration projects, pilot
11 projects, and evaluation projects, for the purpose of
12 developing and implementing techniques and ap-
13 proaches, and demonstrating the effectiveness of the
14 techniques and approaches, in addressing the em-
15 ployment and training needs of eligible individuals.
16 The Secretary shall enter into such agreements with
17 States, public agencies, nonprofit private organiza-
18 tions, or private business concerns, as may be nec-
19 essary, to conduct the projects authorized by this
20 subsection. To the extent practicable, the Secretary
21 shall provide an opportunity, prior to the develop-
22 ment of a demonstration or pilot project, for the ap-
23 propriate area agency on aging to submit comments
24 on such a project in order to ensure coordination of
25 activities under this title.

1 “(2) PROJECTS.—Such projects may include—

2 “(A) activities linking businesses and eligi-
3 ble individuals, including activities providing as-
4 sistance to participants transitioning from sub-
5 sidized activities to private sector employment;

6 “(B) demonstration projects and pilot
7 projects designed to—

8 “(i) attract more eligible individuals
9 into the labor force;

10 “(ii) improve the provision of services
11 to eligible individuals under one-stop deliv-
12 ery systems established under title I of the
13 Workforce Investment Act of 1998 (29
14 U.S.C. 2801 et seq.);

15 “(iii) enhance the technological skills
16 of eligible individuals; and

17 “(iv) provide incentives to grantees
18 under this title for exemplary performance
19 and incentives to businesses to promote
20 their participation in the program under
21 this title;

22 “(C) demonstration projects and pilot
23 projects, as described in subparagraph (B), for
24 workers who are older individuals (but targeted
25 to eligible individuals) only if such demonstra-

1 tion projects and pilot projects are designed to
 2 assist in developing and implementing tech-
 3 niques and approaches in addressing the em-
 4 ployment and training needs of eligible individ-
 5 uals;

6 “(D) provision of training and technical
 7 assistance to support any project funded under
 8 this title;

9 “(E) dissemination of best practices relat-
 10 ing to employment of eligible individuals; and

11 “(F) evaluation of the activities authorized
 12 under this title.

13 “(3) CONSULTATION.—To the extent prac-
 14 ticable, entities carrying out projects under this sub-
 15 section shall consult with appropriate area agencies
 16 on aging and with other appropriate agencies and
 17 entities to promote coordination of activities under
 18 this title.

19 **“SEC. 503. ADMINISTRATION.**

20 “(a) STATE PLAN.—

21 “(1) GOVERNOR.—For a State to be eligible to
 22 receive an allotment under section 506, the Governor
 23 of the State shall submit to the Secretary for consid-
 24 eration and approval, a single State plan (referred to
 25 in this title as the ‘State plan’) that outlines a 4-

1 year strategy for the statewide provision of commu-
2 nity service employment and other authorized activi-
3 ties for eligible individuals under this title. The plan
4 shall contain such provisions as the Secretary may
5 require, consistent with this title, including a de-
6 scription of the process used to ensure the participa-
7 tion of individuals described in paragraph (2). Not
8 less often than every 2 years, the Governor shall re-
9 view the State plan and submit an update to the
10 State plan to the Secretary for consideration and ap-
11 proval.

12 “(2) RECOMMENDATIONS.—In developing the
13 State plan prior to its submission to the Secretary,
14 the Governor shall seek the advice and recommenda-
15 tions of—

16 “(A) individuals representing the State
17 agency and the area agencies on aging in the
18 State, and the State and local workforce invest-
19 ment boards established under title I of the
20 Workforce Investment Act of 1998 (29 U.S.C.
21 2801 et seq.);

22 “(B) individuals representing public and
23 nonprofit private agencies and organizations
24 providing employment services, including each

1 grantee operating a project under this title in
2 the State; and

3 “(C) individuals representing social service
4 organizations providing services to older individ-
5 uals, grantees under title III of this Act, af-
6 fected communities, unemployed older individ-
7 uals, community-based organizations serving
8 the needs of older individuals, business organi-
9 zations, and labor organizations.

10 “(3) COMMENTS.—Any State plan submitted by
11 the Governor in accordance with paragraph (1) shall
12 be accompanied by copies of public comments relat-
13 ing to the plan received pursuant to paragraph (7),
14 and a summary of the comments.

15 “(4) PLAN PROVISIONS.—The State plan shall
16 identify and address—

17 “(A) the relationship that the number of
18 eligible individuals in each area bears to the
19 total number of eligible individuals, respectively,
20 in the State;

21 “(B) the relative distribution of eligible in-
22 dividuals residing in rural and urban areas in
23 the State; and

24 “(C) the relative distribution of—

1 “(i) eligible individuals who are indi-
2 viduals with greatest economic need;

3 “(ii) eligible individuals who are mi-
4 nority individuals;

5 “(iii) eligible individuals who are lim-
6 ited English proficient; and

7 “(iv) eligible individuals who are indi-
8 viduals with greatest social need;

9 “(D) the current and projected employ-
10 ment opportunities in the State (such as by
11 providing information available under section
12 15 of the Wagner-Peyser Act (29 U.S.C. 491–
13 2) by occupation), and the type of skills pos-
14 sessed by local eligible individuals;

15 “(E) the localities and populations for
16 which projects of the type authorized by this
17 title are most needed; and

18 “(F) plans for facilitating the coordination
19 of activities of grantees in the State under this
20 title with activities carried out in the State
21 under title I of the Workforce Investment Act
22 of 1998 (29 U.S.C. 2801 et seq.).

23 “(5) GOVERNOR’S RECOMMENDATIONS.—Before
24 a proposal for a grant under this title for any fiscal
25 year is submitted to the Secretary, the Governor of

1 the State in which projects are proposed to be con-
2 ducted under such grant shall be afforded a reason-
3 able opportunity to submit to the Secretary—

4 “(A) recommendations regarding the an-
5 ticipated effect of each such proposal upon the
6 overall distribution of enrollment positions
7 under this title in the State (including such dis-
8 tribution among urban and rural areas), taking
9 into account the total number of positions to be
10 provided by all grantees in the State;

11 “(B) any recommendations for redistribu-
12 tion of positions to underserved areas as vacan-
13 cies occur in previously encumbered positions in
14 other areas; and

15 “(C) in the case of any increase in funding
16 that may be available for use in the State under
17 this title for the fiscal year, any recommenda-
18 tions for distribution of newly available posi-
19 tions in excess of those available during the pre-
20 ceding year to underserved areas.

21 “(6) DISRUPTIONS.—In developing a plan or
22 considering a recommendation under this subsection,
23 the Governor shall avoid disruptions in the provision
24 of services for participants to the greatest possible
25 extent.

1 “(7) DETERMINATION; REVIEW.—

2 “(A) DETERMINATION.—In order to effec-
3 tively carry out this title, each State shall make
4 the State plan available for public comment.
5 The Secretary, in consultation with the Assist-
6 ant Secretary, shall review the plan and make
7 a written determination with findings and a de-
8 cision regarding the plan.

9 “(B) REVIEW.—The Secretary may review,
10 on the Secretary’s own initiative or at the re-
11 quest of any public or private agency or organi-
12 zation or of any agency of the State, the dis-
13 tribution of projects and services under this
14 title in the State, including the distribution be-
15 tween urban and rural areas in the State. For
16 each proposed reallocation of projects or serv-
17 ices in a State, the Secretary shall give notice
18 and opportunity for public comment.

19 “(8) EXEMPTION.—The grantees that serve eli-
20 gible individuals who are older Indians or Pacific Is-
21 land and Asian Americans with funds reserved under
22 section 506(a)(3) may not be required to participate
23 in the State planning processes described in this sec-
24 tion but shall collaborate with the Secretary to de-
25 velop a plan for projects and services to eligible indi-

1 viduals who are Indians or Pacific Island and Asian
2 Americans, respectively.

3 “(b) COORDINATION WITH OTHER FEDERAL PRO-
4 GRAMS.—

5 “(1) IN GENERAL.—The Secretary and the As-
6 sistant Secretary shall coordinate the program car-
7 ried out under this title with programs carried out
8 under other titles of this Act, to increase employ-
9 ment opportunities available to older individuals.

10 “(2) PROGRAMS.—

11 “(A) IN GENERAL.—The Secretary shall
12 coordinate programs carried out under this title
13 with the program carried out under the Work-
14 force Investment Act of 1998 (29 U.S.C. 2801
15 et seq.), the Community Services Block Grant
16 Act (42 U.S.C. 9901 et seq.), the Rehabilitation
17 Act of 1973 (29 U.S.C. 701 et seq.), the Carl
18 D. Perkins Career and Technical Education Act
19 of 2006 (20 U.S.C. 2301 et seq.), the National
20 and Community Service Act of 1990 (42 U.S.C.
21 12501 et seq.), and the Domestic Volunteer
22 Service Act of 1973 (42 U.S.C. 4950 et seq.).
23 The Secretary shall coordinate the administra-
24 tion of this title with the administration of
25 other titles of this Act by the Assistant Sec-

1 retary to increase the likelihood that eligible in-
2 dividuals for whom employment opportunities
3 under this title are available and who need serv-
4 ices under such titles receive such services.

5 “(B) USE OF FUNDS.—

6 “(i) PROHIBITION.—Funds appro-
7 priated to carry out this title may not be
8 used to carry out any program under the
9 Workforce Investment Act of 1998, the
10 Community Services Block Grant Act, the
11 Rehabilitation Act of 1973, the Carl D.
12 Perkins Career and Technical Education
13 Act of 2006, the National and Community
14 Service Act of 1990, or the Domestic Vol-
15 unteer Service Act of 1973.

16 “(ii) JOINT ACTIVITIES.—Clause (i)
17 shall not be construed to prohibit carrying
18 out projects under this title jointly with
19 programs, projects, or activities under any
20 Act specified in clause (i), or from carrying
21 out section 511.

22 “(3) INFORMATIONAL MATERIALS ON AGE DIS-
23 CRIMINATION.—The Secretary shall distribute to
24 grantees under this title, for distribution to program
25 participants, and at no cost to grantees or partici-

1 pants, informational materials developed and sup-
2 plied by the Equal Employment Opportunity Com-
3 mission and other appropriate Federal agencies that
4 the Secretary determines are designed to help par-
5 ticipants identify age discrimination and to under-
6 stand their rights under the Age Discrimination in
7 Employment Act of 1967 (29 U.S.C. 621 et seq.).

8 “(c) USE OF SERVICES, EQUIPMENT, PERSONNEL,
9 AND FACILITIES.—In carrying out this title, the Secretary
10 may use the services, equipment, personnel, and facilities
11 of Federal and other agencies, with their consent, with or
12 without reimbursement, and on a similar basis cooperate
13 with other public and nonprofit private agencies and orga-
14 nizations in the use of services, equipment, and facilities.

15 “(d) PAYMENTS.—Payments under this title may be
16 made in advance or by way of reimbursement and in such
17 installments as the Secretary may determine.

18 “(e) NO DELEGATION OF FUNCTIONS.—The Sec-
19 retary shall not delegate any function of the Secretary
20 under this title to any other Federal officer or entity.

21 “(f) COMPLIANCE.—

22 “(1) MONITORING.—The Secretary shall mon-
23 itor projects for which grants are made under this
24 title to determine whether the grantees are com-
25 plying with rules and regulations issued to carry out

1 this title (including the statewide planning, consulta-
2 tion, and coordination requirements of this title).

3 “(2) COMPLIANCE WITH UNIFORM COST PRIN-
4 CIPLES AND ADMINISTRATIVE REQUIREMENTS.—
5 Each grantee that receives funds under this title
6 shall comply with the applicable uniform cost prin-
7 ciples and appropriate administrative requirements
8 for grants and contracts that are applicable to the
9 type of entity that receives funds, as issued as circu-
10 lars or rules of the Office of Management and Budg-
11 et.

12 “(3) REPORTS.—Each grantee described in
13 paragraph (2) shall prepare and submit a report in
14 such manner and containing such information as the
15 Secretary may require regarding activities carried
16 out under this title.

17 “(4) RECORDS.—Each grantee described in
18 paragraph (2) shall keep records that—

19 “(A) are sufficient to permit the prepara-
20 tion of reports required by this title;

21 “(B) are sufficient to permit the tracing of
22 funds to a level of expenditure adequate to en-
23 sure that the funds have not been spent unlaw-
24 fully; and

1 “(C) contain any other information that
2 the Secretary determines to be appropriate.

3 “(g) EVALUATIONS.—The Secretary shall establish
4 by rule and implement a process to evaluate, in accordance
5 with section 513, the performance of projects carried out
6 and services provided under this title. The Secretary shall
7 report to Congress, and make available to the public, the
8 results of each such evaluation and shall use such evalua-
9 tion to improve services delivered by, or the operation of,
10 projects carried out under this title.

11 **“SEC. 504. PARTICIPANTS NOT FEDERAL EMPLOYEES.**

12 “(a) INAPPLICABILITY OF CERTAIN PROVISIONS
13 COVERING FEDERAL EMPLOYEES.—Eligible individuals
14 who are participants in any project funded under this title
15 shall not be considered to be Federal employees as a result
16 of such participation and shall not be subject to part III
17 of title 5, United States Code.

18 “(b) WORKERS’ COMPENSATION.—No grant or
19 subgrant shall be made and no contract or subcontract
20 shall be entered into under this title with an entity who
21 is, or whose employees are, under State law, exempted
22 from operation of the State workers’ compensation law,
23 generally applicable to employees, unless the entity shall
24 undertake to provide either through insurance by a recog-
25 nized carrier or by self-insurance, as authorized by State

1 law, that the persons employed under the grant, subgrant,
2 contract, or subcontract shall enjoy workers' compensation
3 coverage equal to that provided by law for covered employ-
4 ment.

5 **“SEC. 505. INTERAGENCY COOPERATION.**

6 “(a) CONSULTATION WITH THE ASSISTANT SEC-
7 RETARY.—The Secretary shall consult with and obtain the
8 written views of the Assistant Secretary before issuing
9 rules and before establishing general policy in the adminis-
10 tration of this title.

11 “(b) CONSULTATION WITH HEADS OF OTHER AGEN-
12 CIES.—The Secretary shall consult and cooperate with the
13 Secretary of Health and Human Services (acting through
14 officers including the Director of the Office of Community
15 Services), and the heads of other Federal agencies that
16 carry out programs related to the program carried out
17 under this title, in order to achieve optimal coordination
18 of the program carried out under this title with such re-
19 lated programs. Each head of a Federal agency shall co-
20 operate with the Secretary in disseminating information
21 relating to the availability of assistance under this title
22 and in promoting the identification and interests of indi-
23 viduals eligible for employment in projects assisted under
24 this title.

25 “(c) COORDINATION.—

1 “(1) IN GENERAL.—The Secretary shall pro-
2 mote and coordinate efforts to carry out projects
3 under this title jointly with programs, projects, or
4 activities carried out under other Acts, especially ac-
5 tivities provided under the Workforce Investment
6 Act of 1998 (29 U.S.C. 2801 et seq.), including ac-
7 tivities provided through one-stop delivery systems
8 established under section 134(c)) of such Act (29
9 U.S.C. 2864(c)), that provide training and employ-
10 ment opportunities to eligible individuals.

11 “(2) COORDINATION WITH CERTAIN ACTIVI-
12 TIES.—The Secretary shall consult with the Sec-
13 retary of Education to promote and coordinate ef-
14 forts to carry out projects under this title jointly
15 with activities in which eligible individuals may par-
16 ticipate that are carried out under the Carl D. Per-
17 kins Career and Technical Education Act of 2006
18 (20 U.S.C. 2301 et seq.).

19 **“SEC. 506. DISTRIBUTION OF ASSISTANCE.**

20 “(a) RESERVATIONS.—

21 “(1) RESERVATION FOR PILOT DEMONSTRA-
22 TION AND EVALUATION PROJECTS.—Of the funds
23 appropriated to carry out this title for each fiscal
24 year, the Secretary may first reserve not more than
25 1.5 percent to carry out demonstration projects,

1 pilot projects, and evaluation projects under section
2 502(e).

3 “(2) RESERVATION FOR TERRITORIES.—Of the
4 funds appropriated to carry out this title for each
5 fiscal year, the Secretary shall reserve 0.75 percent,
6 of which—

7 “(A) Guam, American Samoa, and the
8 United States Virgin Islands shall each receive
9 30 percent of the funds so reserved; and

10 “(B) the Commonwealth of the Northern
11 Mariana Islands shall receive 10 percent of the
12 funds so reserved.

13 “(3) RESERVATION FOR ORGANIZATIONS.—Of
14 the funds appropriated to carry out this title for
15 each fiscal year, the Secretary shall reserve such
16 amount as may be necessary to make national
17 grants to public or nonprofit national Indian aging
18 organizations with the ability to provide community
19 service employment and other authorized activities
20 for eligible individuals who are Indians and to na-
21 tional public or nonprofit Pacific Island and Asian
22 American aging organizations with the ability to
23 provide community service employment and other
24 authorized activities for eligible individuals who are
25 Pacific Island and Asian Americans.

1 “(b) STATE ALLOTMENTS.—The allotment for each
2 State shall be the sum of the amounts allotted for national
3 grants in such State under subsection (d) and for the
4 grant to such State under subsection (e).

5 “(c) DIVISION BETWEEN NATIONAL GRANTS AND
6 GRANTS TO STATES.—The funds appropriated to carry
7 out this title for any fiscal year that remain after amounts
8 are reserved under paragraphs (1), (2), and (3) of sub-
9 section (a) shall be divided by the Secretary between na-
10 tional grants and grants to States as follows:

11 “(1) RESERVATION OF FUNDS FOR FISCAL
12 YEAR 2000 LEVEL OF ACTIVITIES.—

13 “(A) IN GENERAL.—The Secretary shall
14 reserve the amount of funds necessary to main-
15 tain the fiscal year 2000 level of activities sup-
16 ported by grantees that operate under this title
17 under national grants from the Secretary, and
18 the fiscal year 2000 level of activities supported
19 by State grantees under this title, in proportion
20 to their respective fiscal year 2000 levels of ac-
21 tivities.

22 “(B) INSUFFICIENT APPROPRIATIONS.—If
23 in any fiscal year the funds appropriated to
24 carry out this title are insufficient to satisfy the
25 requirement specified in subparagraph (A), then

1 the amount described in subparagraph (A) shall
2 be reduced proportionally.

3 “(2) FUNDING IN EXCESS OF FISCAL YEAR 2000
4 LEVEL OF ACTIVITIES.—

5 “(A) UP TO \$35,000,000.—The amount of
6 funds remaining (if any) after the application of
7 paragraph (1), but not to exceed \$35,000,000,
8 shall be divided so that 75 percent shall be pro-
9 vided to State grantees and 25 percent shall be
10 provided to grantees that operate under this
11 title under national grants from the Secretary.

12 “(B) OVER \$35,000,000.—The amount of
13 funds remaining (if any) after the application of
14 subparagraph (A) shall be divided so that 50
15 percent shall be provided to State grantees and
16 50 percent shall be provided to grantees that
17 operate under this title under national grants
18 from the Secretary.

19 “(d) ALLOTMENTS FOR NATIONAL GRANTS.—From
20 funds available under subsection (c) for national grants,
21 the Secretary shall allot for public and nonprofit private
22 agency and organization grantees that operate under this
23 title under national grants from the Secretary in each
24 State, an amount that bears the same ratio to such funds
25 as the product of the number of individuals age 55 or older

1 in the State and the allotment percentage of such State
2 bears to the sum of the corresponding products for all
3 States, except as follows:

4 “(1) MINIMUM ALLOTMENT.—No State shall be
5 provided an amount under this subsection that is
6 less than $\frac{1}{2}$ of 1 percent of the amount provided
7 under subsection (c) for public and nonprofit private
8 agency and organization grantees that operate under
9 this title under national grants from the Secretary
10 in all of the States.

11 “(2) HOLD HARMLESS.—If such amount pro-
12 vided under subsection (c) is—

13 “(A) equal to or less than the amount nec-
14 essary to maintain the fiscal year 2000 level of
15 activities, allotments for grantees that operate
16 under this title under national grants from the
17 Secretary in each State shall be proportional to
18 the amount necessary to maintain their fiscal
19 year 2000 level of activities; or

20 “(B) greater than the amount necessary to
21 maintain the fiscal year 2000 level of activities,
22 no State shall be provided a percentage increase
23 above the amount necessary to maintain the fis-
24 cal year 2000 level of activities for grantees
25 that operate under this title under national

1 grants from the Secretary in the State that is
2 less than 30 percent of the percentage increase
3 above the amount necessary to maintain the fis-
4 cal year 2000 level of activities for public and
5 private nonprofit agency and organization
6 grantees that operate under this title under na-
7 tional grants from the Secretary in all of the
8 States.

9 “(3) REDUCTION.—Allotments for States not
10 affected by paragraphs (1) and (2)(B) shall be re-
11 duced proportionally to satisfy the conditions in such
12 paragraphs.

13 “(e) ALLOTMENTS FOR GRANTS TO STATES.—From
14 the amount provided for grants to States under subsection
15 (c), the Secretary shall allot for the State grantee in each
16 State an amount that bears the same ratio to such amount
17 as the product of the number of individuals age 55 or older
18 in the State and the allotment percentage of such State
19 bears to the sum of the corresponding products for all
20 States, except as follows:

21 “(1) MINIMUM ALLOTMENT.—No State shall be
22 provided an amount under this subsection that is
23 less than $\frac{1}{2}$ of 1 percent of the amount provided
24 under subsection (c) for State grantees in all of the
25 States.

1 “(2) HOLD HARMLESS.—If such amount pro-
2 vided under subsection (c) is—

3 “(A) equal to or less than the amount nec-
4 essary to maintain the fiscal year 2000 level of
5 activities, allotments for State grantees in each
6 State shall be proportional to the amount nec-
7 essary to maintain their fiscal year 2000 level
8 of activities; or

9 “(B) greater than the amount necessary to
10 maintain the fiscal year 2000 level of activities,
11 no State shall be provided a percentage increase
12 above the amount necessary to maintain the fis-
13 cal year 2000 level of activities for State grant-
14 ees in the State that is less than 30 percent of
15 the percentage increase above the amount nec-
16 essary to maintain the fiscal year 2000 level of
17 activities for State grantees in all of the States.

18 “(3) REDUCTION.—Allotments for States not
19 affected by paragraphs (1) and (2)(B) shall be re-
20 duced proportionally to satisfy the conditions in such
21 paragraphs.

22 “(f) ALLOTMENT PERCENTAGE.—For purposes of
23 subsections (d) and (e) and this subsection—

24 “(1) the allotment percentage of each State
25 shall be 100 percent less than percentage that bears

1 the same ratio to 50 percent as the per capita in-
2 come of such State bears to the per capita income
3 of the United States, except that—

4 “(A) the allotment percentage shall be not
5 more than 75 percent and not less than 33 per-
6 cent; and

7 “(B) the allotment percentage for the Dis-
8 trict of Columbia and the Commonwealth of
9 Puerto Rico shall be 75 percent;

10 “(2) the number of individuals age 55 or older
11 in any State and in all States, and the per capita
12 income in any State and in all States, shall be deter-
13 mined by the Secretary on the basis of the most sat-
14 isfactory data available to the Secretary; and

15 “(3) for the purpose of determining the allot-
16 ment percentage, the term ‘United States’ means
17 the 50 States, and the District of Columbia.

18 “(g) DEFINITIONS.—In this section:

19 “(1) COST PER AUTHORIZED POSITION.—The
20 term ‘cost per authorized position’ means the sum
21 of—

22 “(A) the hourly minimum wage rate speci-
23 fied in section 6(a)(1) of the Fair Labor Stand-
24 ards Act of 1938 (29 U.S.C. 206(a)(1)), multi-

1 plied by the number of hours equal to the prod-
2 uct of 21 hours and 52 weeks;

3 “(B) an amount equal to 11 percent of the
4 amount specified under subparagraph (A), for
5 the purpose of covering Federal payments for
6 fringe benefits; and

7 “(C) an amount determined by the Sec-
8 retary, for the purpose of covering Federal pay-
9 ments for the remainder of all other program
10 and administrative costs.

11 “(2) FISCAL YEAR 2000 LEVEL OF ACTIVI-
12 TIES.—The term ‘fiscal year 2000 level of activities’
13 means—

14 “(A) with respect to public and nonprofit
15 private agency and organization grantees that
16 operate under this title under national grants
17 from the Secretary, their level of activities for
18 fiscal year 2000; and

19 “(B) with respect to State grantees, their
20 level of activities for fiscal year 2000.

21 “(3) GRANTS TO STATES.—The term ‘grants to
22 States’ means grants made under this title by the
23 Secretary to the States.

1 “(4) LEVEL OF ACTIVITIES.—The term ‘level of
2 activities’ means the number of authorized positions
3 multiplied by the cost per authorized position.

4 “(5) NATIONAL GRANTS.—The term ‘national
5 grants’ means grants made under this title by the
6 Secretary to public and nonprofit private agency and
7 organization grantees that operate under this title.

8 “(6) STATE.—The term ‘State’ does not include
9 Guam, American Samoa, the Commonwealth of the
10 Northern Mariana Islands, and the United States
11 Virgin Islands.

12 **“SEC. 507. EQUITABLE DISTRIBUTION.**

13 “(a) INTERSTATE ALLOCATION.—In making grants
14 under section 502(b) from allotments made under section
15 506, the Secretary shall ensure, to the extent feasible, an
16 equitable distribution of activities under such grants, in
17 the aggregate, among the States, taking into account the
18 needs of underserved States.

19 “(b) INTRASTATE ALLOCATION.—The amount allo-
20 cated for projects within each State under section 506
21 shall be allocated among areas in the State in an equitable
22 manner, taking into consideration the State priorities set
23 out in the State plan in effect under section 503(a).

1 **“SEC. 508. REPORT.**

2 “To carry out the Secretary’s responsibilities for re-
3 porting in section 503(g), the Secretary shall require the
4 State agency for each State that receives funds under this
5 title to prepare and submit a report at the beginning of
6 each fiscal year on such State’s compliance with section
7 507(b). Such report shall include the names and geo-
8 graphic location of all projects assisted under this title and
9 carried out in the State and the amount allocated to each
10 such project under section 506.

11 **“SEC. 509. EMPLOYMENT ASSISTANCE AND FEDERAL HOUS-**
12 **ING AND FOOD STAMP PROGRAMS.**

13 “Funds received by eligible individuals from projects
14 carried out under the program established under this title
15 shall not be considered to be income of such individuals
16 for purposes of determining the eligibility of such individ-
17 uals, or of any other individuals, to participate in any
18 housing program for which Federal funds may be available
19 or for any income determination under the Food Stamp
20 Act of 1977 (7 U.S.C. 2011 et seq.).

21 **“SEC. 510. ELIGIBILITY FOR WORKFORCE INVESTMENT AC-**
22 **TIVITIES.**

23 “Eligible individuals under this title may be consid-
24 ered by local workforce investment boards and one-stop
25 operators established under title I of the Workforce In-
26 vestment Act of 1998 (29 U.S.C. 2801 et seq.) to satisfy

1 the requirements for receiving services under such title I
2 that are applicable to adults.

3 **“SEC. 511. COORDINATION WITH THE WORKFORCE INVEST-**
4 **MENT ACT OF 1998.**

5 “(a) PARTNERS.—Grantees under this title shall be
6 one-stop partners as described in subparagraphs (A) and
7 (B)(vi) of section 121(b)(1) of the Workforce Investment
8 Act of 1998 (29 U.S.C. 2841(b)(1)) in the one-stop deliv-
9 ery system established under section 134(c) of such Act
10 (29 U.S.C. 2864(c)) for the appropriate local workforce
11 investment areas, and shall carry out the responsibilities
12 relating to such partners.

13 “(b) COORDINATION.—In local workforce investment
14 areas where more than 1 grantee under this title provides
15 services, the grantees shall—

16 “(1) coordinate their activities related to the
17 one-stop delivery systems; and

18 “(2) be signatories of the memorandum of un-
19 derstanding established under section 121(c) of the
20 Workforce Investment Act of 1998 (29 U.S.C.
21 2841(c)).

22 **“SEC. 512. TREATMENT OF ASSISTANCE.**

23 “Assistance provided under this title shall not be con-
24 sidered to be financial assistance described in section

1 245A(h)(1)(A) of the Immigration and Nationality Act (8
2 U.S.C. 1255a(h)(1)(A)).

3 **“SEC. 513. PERFORMANCE.**

4 “(a) MEASURES AND INDICATORS.—

5 “(1) ESTABLISHMENT AND IMPLEMENTATION
6 OF MEASURES AND INDICATORS.—The Secretary
7 shall establish and implement, after consultation
8 with grantees, subgrantees, and host agencies under
9 this title, States, older individuals, area agencies on
10 aging, and other organizations serving older individ-
11 uals, core measures of performance and additional
12 indicators of performance for each grantee for
13 projects and services carried out under this title.
14 The core measures of performance and additional in-
15 dicators of performance shall be applicable to each
16 grantee under this title without regard to whether
17 such grantee operates the program directly or
18 through subcontracts, subgrants, or agreements with
19 other entities.

20 “(2) CONTENT.—

21 “(A) COMPOSITION OF MEASURES AND IN-
22 DICATORS.—

23 “(i) MEASURES.—The core measures
24 of performance established by the Sec-
25 retary in accordance with paragraph (1)

1 shall consist of core indicators of perform-
2 ance specified in subsection (b)(1) and the
3 expected levels of performance applicable
4 to each core indicator of performance.

5 “(ii) ADDITIONAL INDICATORS.—The
6 additional indicators of performance estab-
7 lished by the Secretary in accordance with
8 paragraph (1) shall be the additional indi-
9 cators of performance specified in sub-
10 section (b)(2).

11 “(B) CONTINUOUS IMPROVEMENT.—The
12 measures described in subparagraph (A)(i) shall
13 be designed to promote continuous improvement
14 in performance.

15 “(C) EXPECTED LEVELS OF PERFORM-
16 ANCE.—The Secretary and each grantee shall
17 reach agreement on the expected levels of per-
18 formance for each program year for each of the
19 core indicators of performance specified in sub-
20 paragraph (A)(i). The agreement shall take into
21 account the requirement of subparagraph (B)
22 and the factors described in subparagraph (D),
23 and other appropriate factors as determined by
24 the Secretary, and shall be consistent with the
25 requirements of subparagraph (E). Funds may

1 not be awarded under the grant until such
2 agreement is reached. At the conclusion of ne-
3 gotiations concerning the levels with all grant-
4 ees, the Secretary shall make available for pub-
5 lic review the final negotiated expected levels of
6 performance for each grantee, including any
7 comments submitted by the grantee regarding
8 the grantee's satisfaction with the negotiated
9 levels.

10 “(D) ADJUSTMENT.—The expected levels
11 of performance described in subparagraph (C)
12 applicable to a grantee shall be adjusted after
13 the agreement under subparagraph (C) has
14 been reached only with respect to the following
15 factors:

16 “(i) High rates of unemployment or of
17 poverty or participation in the program of
18 block grants to States for temporary as-
19 sistance for needy families established
20 under part A of title IV of the Social Secu-
21 rity Act (42 U.S.C. 601 et seq.), in the
22 areas served by a grantee, relative to other
23 areas of the State involved or Nation.

1 “(ii) Significant downturns in the
2 areas served by the grantee or in the na-
3 tional economy.

4 “(iii) Significant numbers or propor-
5 tions of participants with 1 or more bar-
6 riers to employment, including individuals
7 described in subsection (a)(3)(B)(ii) or
8 (b)(2) of section 518, served by a grantee
9 relative to such numbers or proportions for
10 grantees serving other areas of the State
11 or Nation.

12 “(iv) Changes in Federal, State, or
13 local minimum wage requirements.

14 “(v) Limited economies of scale for
15 the provision of community service employ-
16 ment and other authorized activities in the
17 areas served by the grantee.

18 “(E) PLACEMENT.—

19 “(i) LEVEL OF PERFORMANCE.—For
20 all grantees, the Secretary shall establish
21 an expected level of performance of not
22 less than the percentage specified in clause
23 (ii) (adjusted in accordance with subpara-
24 graph (D)) for the entry into unsubsidized

1 employment core indicator of performance
2 described in subsection (b)(1)(B).

3 “(ii) REQUIRED PLACEMENT PER-
4 CENTAGES.—The minimum percentage for
5 the expected level of performance for the
6 entry into unsubsidized employment core
7 indicator of performance described in sub-
8 section (b)(1)(B) is—

9 “(I) 21 percent for fiscal year
10 2007;

11 “(II) 22 percent for fiscal year
12 2008;

13 “(III) 23 percent for fiscal year
14 2009;

15 “(IV) 24 percent for fiscal year
16 2010; and

17 “(V) 25 percent for fiscal year
18 2011.

19 “(3) LIMITATION.—An agreement to be evalu-
20 ated on the core measures of performance and to re-
21 port information on the additional indicators of per-
22 formance shall be a requirement for application for,
23 and a condition of, all grants authorized by this
24 title.

25 “(b) INDICATORS OF PERFORMANCE.—

1 “(1) CORE INDICATORS.—The core indicators
2 of performance described in subsection (a)(2)(A)(i)
3 shall consist of—

4 “(A) hours (in the aggregate) of commu-
5 nity service employment;

6 “(B) entry into unsubsidized employment;

7 “(C) retention in unsubsidized employment
8 for 6 months;

9 “(D) earnings; and

10 “(E) the number of eligible individuals
11 served, including the number of participating
12 individuals described in subsection (a)(3)(B)(ii)
13 or (b)(2) of section 518.

14 “(2) ADDITIONAL INDICATORS.—The additional
15 indicators of performance described in subsection
16 (a)(2)(A)(ii) shall consist of—

17 “(A) retention in unsubsidized employment
18 for 1 year;

19 “(B) satisfaction of the participants, em-
20 ployers, and their host agencies with their expe-
21 riences and the services provided;

22 “(C) any other indicators of performance
23 that the Secretary determines to be appropriate
24 to evaluate services and performance.

1 “(3) DEFINITIONS OF INDICATORS.—The Sec-
2 retary, after consultation with national and State
3 grantees, representatives of business and labor orga-
4 nizations, and providers of services, shall, by regula-
5 tion, issue definitions of the indicators of perform-
6 ance described in paragraphs (1) and (2).

7 “(c) EVALUATION.—The Secretary shall—

8 “(1) annually evaluate, and publish and make
9 available for public review information on, the actual
10 performance of each grantee with respect to the lev-
11 els achieved for each of the core indicators of per-
12 formance, compared to the expected levels of per-
13 formance established under subsection (a)(2)(C) (in-
14 cluding any adjustments to such levels made in ac-
15 cordance with subsection (a)(2)(D)); and

16 “(2) annually publish and make available for
17 public review information on the actual performance
18 of each grantee with respect to the levels achieved
19 for each of the additional indicators of performance.

20 “(d) TECHNICAL ASSISTANCE AND CORRECTIVE EF-
21 FORTS.—

22 “(1) INITIAL DETERMINATIONS.—

23 “(A) IN GENERAL.—As soon as practicable
24 after July 1, 2007, the Secretary shall deter-

mine if a grantee under this title has, for program year 2006—

“(i) met the expected levels of performance established under subsection (a)(2)(C) (including any adjustments to such levels made in accordance with subsection (a)(2)(D)) for the core indicators of performance described in subparagraphs (A), (C), (D), and (E) of subsection (b)(1); and

“(ii) achieved the applicable percentage specified in subsection (a)(2)(E)(ii) for the core indicator of performance described in subsection (b)(1)(B).

“(B) TECHNICAL ASSISTANCE.—If the Secretary determines that the grantee, for program year 2006—

“(i) failed to meet the expected levels of performance described in subparagraph (A)(i); or

“(ii) failed to achieve the applicable percentage described in subparagraph (A)(ii),

the Secretary shall provide technical assistance to assist the grantee to meet the expected levels

1 of performance and achieve the applicable per-
2 centage.

3 “(2) NATIONAL GRANTEEES.—

4 “(A) IN GENERAL.—Not later than 120
5 days after the end of each program year, the
6 Secretary shall determine if a national grantee
7 awarded a grant under section 502(b) in ac-
8 cordance with section 514 has met the expected
9 levels of performance established under sub-
10 section (a)(2)(C) (including any adjustments to
11 such levels made in accordance with subsection
12 (a)(2)(D)) for the core indicators of perform-
13 ance described in subsection (b)(1).

14 “(B) TECHNICAL ASSISTANCE AND COR-
15 RECTIVE ACTION PLAN.—

16 “(i) IN GENERAL.—If the Secretary
17 determines that a national grantee fails to
18 meet the expected levels of performance de-
19 scribed in subparagraph (A), the Secretary
20 after each year of such failure, shall pro-
21 vide technical assistance and require such
22 grantee to submit a corrective action plan
23 not later than 160 days after the end of
24 the program year.

1 “(ii) CONTENT.—The plan submitted
2 under clause (i) shall detail the steps the
3 grantee will take to meet the expected lev-
4 els of performance in the next program
5 year.

6 “(iii) RECOMPETITION.—Any grantee
7 who has failed to meet the expected levels
8 of performance for 4 consecutive years (be-
9 ginning with program year 2007) shall not
10 be allowed to compete in the subsequent
11 grant competition under section 514 fol-
12 lowing the fourth consecutive year of fail-
13 ure but may compete in the next such
14 grant competition after that subsequent
15 competition.

16 “(3) STATE GRANTEES.—

17 “(A) IN GENERAL.—Not later than 120
18 days after the end of each program year, the
19 Secretary shall determine if a State grantee al-
20 lotted funds under section 506(e) has met the
21 expected levels of performance established
22 under subsection (a)(2)(C) (including any ad-
23 justments to such levels made in accordance
24 with subsection (a)(2)(D)) for the core indica-

tors of performance described in subsection
(b)(1).

“(B) TECHNICAL ASSISTANCE AND COR-
RECTIVE ACTION PLAN.—

“(i) IN GENERAL.—If the Secretary
determines that a State fails to meet the
expected levels of performance described in
subparagraph (A), the Secretary, after
each year of such failure, shall provide
technical assistance and require the State
to submit a corrective action plan not later
than 160 days after the end of the pro-
gram year.

“(ii) CONTENT.—The plan submitted
under clause (i) shall detail the steps the
State will take to meet the expected levels
of performance in the next program year.

“(iii) COMPETITION.—If the Secretary
determines that the State fails to meet the
expected levels of performance described in
subparagraph (A) for 3 consecutive pro-
gram years (beginning with program year
2007), the Secretary shall provide for the
conduct by the State of a competition to
award the funds allotted to the State

1 under section 506(e) for the first full pro-
2 gram year following the Secretary's deter-
3 mination.

4 “(4) SPECIAL RULE FOR ESTABLISHMENT AND
5 IMPLEMENTATION.—The Secretary shall establish
6 and implement the core measures of performance
7 and additional indicators of performance described
8 in this section, including all required indicators de-
9 scribed in subsection (b), not later than July 1,
10 2007.

11 “(e) IMPACT ON GRANT COMPETITION.—The Sec-
12 retary may not publish a notice announcing a grant com-
13 petition under this title, and solicit proposals for grants,
14 until the day that is the later of—

15 “(1) the date on which the Secretary imple-
16 ments the core measures of performance and addi-
17 tional indicators of performance described in this
18 section; and

19 “(2) January 1, 2010.

20 **“SEC. 514. COMPETITIVE REQUIREMENTS RELATING TO**
21 **GRANT AWARDS.**

22 “(a) PROGRAM AUTHORIZED.—

23 “(1) INITIAL APPROVAL OF GRANT APPLICA-
24 TIONS.—From the funds available for national
25 grants under section 506(d), the Secretary shall

1 award grants under section 502(b) to eligible appli-
2 cants, through a competitive process that emphasizes
3 meeting performance requirements, to carry out
4 projects under this title for a period of 4 years, ex-
5 cept as provided in paragraph (2). The Secretary
6 may not conduct a grant competition under this title
7 until the day described in section 513(e).

8 “(2) CONTINUATION OF APPROVAL BASED ON
9 PERFORMANCE.—If the recipient of a grant made
10 under paragraph (1) meets the expected levels of
11 performance described in section 513(d)(2)(A) for
12 each year of such 4-year period with respect to a
13 project, the Secretary may award a grant under sec-
14 tion 502(b) to such recipient to continue such
15 project beyond such 4-year period for 1 additional
16 year without regard to such process.

17 “(b) ELIGIBLE APPLICANTS.—An applicant shall be
18 eligible to receive a grant under section 502(b) in accord-
19 ance with subsections (a), (c), and (d).

20 “(c) CRITERIA.—For purposes of subsection (a)(1),
21 the Secretary shall select the eligible applicants to receive
22 grants based on the following:

23 “(1) The applicant’s ability to administer a
24 project that serves the greatest number of eligible
25 individuals, giving particular consideration to indi-

viduals with greatest economic need, individuals with greatest social need, and individuals described in subsection (a)(3)(B)(ii) or (b)(2) of section 518.

“(2) The applicant’s ability to administer a project that provides employment for eligible individuals in the communities in which such individuals reside, or in nearby communities, that will contribute to the general welfare of the communities involved.

“(3) The applicant’s ability to administer a project that moves eligible individuals into unsubsidized employment.

“(4) The applicant’s prior performance, if any, in meeting core measures of performance and addressing additional indicators of performance under this title and the applicant’s ability to address core indicators of performance and additional indicators of performance under this title and under other Federal or State programs in the case of an applicant that has not previously received a grant under this title.

“(5) The applicant’s ability to move individuals with multiple barriers to employment, including individuals described in subsection (a)(3)(B)(ii) or (b)(2) of section 518, into unsubsidized employment.

1 “(6) The applicant’s ability to coordinate activi-
2 ties with other organizations at the State and local
3 level.

4 “(7) The applicant’s plan for fiscal manage-
5 ment of the project to be administered with funds
6 received in accordance with this section.

7 “(8) The applicant’s ability to administer a
8 project that provides community service.

9 “(9) The applicant’s ability to minimize disrup-
10 tion in services for participants and in community
11 services provided.

12 “(10) Any additional criteria that the Secretary
13 considers to be appropriate in order to minimize dis-
14 ruption in services for participants.

15 “(d) RESPONSIBILITY TESTS.—

16 “(1) IN GENERAL.—Before final selection of a
17 grantee, the Secretary shall conduct a review of
18 available records to assess the applicant’s overall re-
19 sponsibility to administer Federal funds.

20 “(2) REVIEW.—As part of the review described
21 in paragraph (1), the Secretary may consider any in-
22 formation, including the applicant’s history with re-
23 gard to the management of other grants.

24 “(3) FAILURE TO SATISFY TEST.—The failure
25 to satisfy a responsibility test with respect to any 1

1 factor that is listed in paragraph (4), excluding
2 those listed in subparagraphs (A) and (B) of such
3 paragraph, does not establish that the applicant is
4 not responsible unless such failure is substantial or
5 persists for 2 or more consecutive years.

6 “(4) TEST.—The responsibility tests include re-
7 view of the following factors:

8 “(A) Unsuccessful efforts by the applicant
9 to recover debts, after 3 demand letters have
10 been sent, that are established by final agency
11 action, or a failure to comply with an approved
12 repayment plan.

13 “(B) Established fraud or criminal activity
14 of a significant nature within the organization
15 or agency involved.

16 “(C) Serious administrative deficiencies
17 identified by the Secretary, such as failure to
18 maintain a financial management system as re-
19 quired by Federal rules or regulations.

20 “(D) Willful obstruction of the audit proc-
21 ess.

22 “(E) Failure to provide services to partici-
23 pants for a current or recent grant or to meet
24 applicable core measures of performance or ad-
25 dress applicable indicators of performance.

1 “(F) Failure to correct deficiencies
2 brought to the grantee’s attention in writing as
3 a result of monitoring activities, reviews, assess-
4 ments, or other activities.

5 “(G) Failure to return a grant closeout
6 package or outstanding advances within 90
7 days of the grant expiration date or receipt of
8 the closeout package, whichever is later, unless
9 an extension has been requested and granted.

10 “(H) Failure to submit required reports.

11 “(I) Failure to properly report and dispose
12 of Government property as instructed by the
13 Secretary.

14 “(J) Failure to have maintained effective
15 cash management or cost controls resulting in
16 excess cash on hand.

17 “(K) Failure to ensure that a subrecipient
18 complies with its Office of Management and
19 Budget Circular A-133 audit requirements
20 specified at section 667.200(b) of title 20, Code
21 of Federal Regulations.

22 “(L) Failure to audit a subrecipient within
23 the required period.

24 “(M) Final disallowed costs in excess of 5
25 percent of the grant or contract award if, in the

1 judgment of the grant officer, the disallowances
2 are egregious.

3 “(N) Failure to establish a mechanism to
4 resolve a subrecipient’s audit in a timely fash-
5 ion.

6 “(5) DETERMINATION.—Applicants that are de-
7 termined to be not responsible shall not be selected
8 as grantees.

9 “(6) DISALLOWED COSTS.—Interest on dis-
10 allowed costs shall accrue in accordance with the
11 Debt Collection Improvement Act of 1996, including
12 the amendments made by that Act.

13 “(e) GRANTEES SERVING INDIVIDUALS WITH BAR-
14 RIERS TO EMPLOYMENT.—

15 “(1) DEFINITION.—In this subsection, the term
16 ‘individuals with barriers to employment’ means mi-
17 nority individuals, Indian individuals, individuals
18 with greatest economic need, and individuals de-
19 scribed in subsection (a)(3)(B)(ii) or (b)(2) of sec-
20 tion 518.

21 “(2) SPECIAL CONSIDERATION.—In areas where
22 a substantial population of individuals with barriers
23 to employment exists, a grantee that receives a na-
24 tional grant in accordance with this section shall, in
25 selecting subgrantees, give special consideration to

1 organizations (including former recipients of such
2 national grants) with demonstrated expertise in serv-
3 ing individuals with barriers to employment.

4 “(f) MINORITY-SERVING GRANTEES.—The Secretary
5 may not promulgate rules or regulations affecting grant-
6 ees in areas where a substantial population of minority
7 individuals exists, that would significantly compromise the
8 ability of the grantees to serve their targeted population
9 of minority older individuals.

10 **“SEC. 515. REPORT ON SERVICE TO MINORITY INDIVID-**
11 **UALS.**

12 “(a) IN GENERAL.—The Secretary shall annually
13 prepare a report on the levels of participation and per-
14 formance outcomes of minority individuals served by the
15 program carried out under this title.

16 “(b) CONTENTS.—

17 “(1) ORGANIZATION AND DATA.—Such report
18 shall present information on the levels of participa-
19 tion and the outcomes achieved by such minority in-
20 dividuals with respect to each grantee under this
21 title, by service area, and in the aggregate, begin-
22 ning with data that applies to program year 2005.

23 “(2) EFFORTS.—The report shall also include a
24 description of each grantee’s efforts to serve minor-
25 ity individuals, based on information submitted to

1 the Secretary by each grantee at such time and in
2 such manner as the Secretary determines to be ap-
3 propriate.

4 “(3) RELATED MATTERS.—The report shall
5 also include—

6 “(A) an assessment of individual grantees
7 based on the criteria established under sub-
8 section (c);

9 “(B) an analysis of whether any changes
10 in grantees have affected participation rates of
11 such minority individuals;

12 “(C) information on factors affecting par-
13 ticipation rates among such minority individ-
14 uals; and

15 “(D) recommendations for increasing par-
16 ticipation of minority individuals in the pro-
17 gram.

18 “(c) CRITERIA.—The Secretary shall establish cri-
19 teria for determining the effectiveness of grantees in serv-
20 ing minority individuals in accordance with the goals set
21 forth in section 502(a)(1).

22 “(d) SUBMISSION.—The Secretary shall annually
23 submit such a report to the appropriate committees of
24 Congress.

1 **“SEC. 516. SENSE OF CONGRESS.**

2 “It is the sense of Congress that—

3 “(1) the older American community service em-
4 ployment program described in this title was estab-
5 lished with the intent of placing older individuals in
6 community service positions and providing job train-
7 ing; and

8 “(2) placing older individuals in community
9 service positions strengthens the ability of the indi-
10 viduals to become self-sufficient, provides much-
11 needed support to organizations that benefit from
12 increased civic engagement, and strengthens the
13 communities that are served by such organizations.

14 **“SEC. 517. AUTHORIZATION OF APPROPRIATIONS.**

15 “(a) IN GENERAL.—There are authorized to be ap-
16 propriated to carry out this title such sums as may be
17 necessary for fiscal years 2007, 2008, 2009, 2010, and
18 2011.

19 “(b) OBLIGATION.—Amounts appropriated under
20 this section for any fiscal year shall be available for obliga-
21 tion during the annual period that begins on July 1 of
22 the calendar year immediately following the beginning of
23 such fiscal year and that ends on June 30 of the following
24 calendar year. The Secretary may extend the period dur-
25 ing which such amounts may be obligated or expended in
26 the case of a particular organization or agency that re-

1 ceives funds under this title if the Secretary determines
 2 that such extension is necessary to ensure the effective use
 3 of such funds by such organization or agency.

4 “(c) RECAPTURING FUNDS.—At the end of the pro-
 5 gram year, the Secretary may recapture any unexpended
 6 funds for the program year, and reobligate such funds
 7 within the 2 succeeding program years for—

8 “(1) incentive grants to entities that are State
 9 grantees or national grantees under section 502(b);

10 “(2) technical assistance; or

11 “(3) grants or contracts for any other activity
 12 under this title.

13 **“SEC. 518. DEFINITIONS AND RULE.**

14 “(a) DEFINITIONS.—For purposes of this title:

15 “(1) COMMUNITY SERVICE.—The term ‘commu-
 16 nity service’ means—

17 “(A) social, health, welfare, and edu-
 18 cational services (including literacy tutoring),
 19 legal and other counseling services and assist-
 20 ance, including tax counseling and assistance
 21 and financial counseling, and library, rec-
 22 reational, and other similar services;

23 “(B) conservation, maintenance, or res-
 24 toration of natural resources;

1 “(C) community betterment or beautifi-
2 cation;

3 “(D) antipollution and environmental qual-
4 ity efforts;

5 “(E) weatherization activities;

6 “(F) economic development; and

7 “(G) such other services essential and nec-
8 essary to the community as the Secretary deter-
9 mines by rule to be appropriate.

10 “(2) COMMUNITY SERVICE EMPLOYMENT.—The
11 term ‘community service employment’ means part-
12 time, temporary employment paid with grant funds
13 in projects described in section 502(b)(1)(D),
14 through which eligible individuals are engaged in
15 community service and receive work experience and
16 job skills that can lead to unsubsidized employment.

17 “(3) ELIGIBLE INDIVIDUAL.—

18 “(A) IN GENERAL.—The term ‘eligible in-
19 dividual’ means an individual who is age 55 or
20 older and who has a low income (including any
21 such individual whose income is not more than
22 125 percent of the poverty line), excluding any
23 income that is unemployment compensation, a
24 benefit received under title XVI of the Social
25 Security Act (42 U.S.C. 1381 et seq.), a pay-

1 ment made to or on behalf of veterans or
2 former members of the Armed Forces under the
3 laws administered by the Secretary of Veterans
4 Affairs, or 25 percent of a benefit received
5 under title II of the Social Security Act (42
6 U.S.C. 401 et seq.), subject to subsection (b).

7 “(B) PARTICIPATION.—

8 “(i) EXCLUSION.—Notwithstanding
9 any other provision of this paragraph, the
10 term ‘eligible individual’ does not include
11 an individual who has participated in
12 projects under this title for a period of 48
13 months in the aggregate (whether or not
14 consecutive) after July 1, 2007 unless the
15 period was increased as described in clause
16 (ii).

17 “(ii) INCREASED PERIODS OF PAR-
18 TICIPATION.—The Secretary shall author-
19 ize a grantee for a project to increase the
20 period of participation described in clause
21 (i), pursuant to a request submitted by the
22 grantee, for individuals who—

23 “(I) have a severe disability;

24 “(II) are frail or are age 75 or
25 older;

1 “(III) meet the eligibility require-
2 ments related to age for, but do not
3 receive, benefits under title II of the
4 Social Security Act (42 U.S.C. 401 et
5 seq.);

6 “(IV) live in an area with per-
7 sistent unemployment and are individ-
8 uals with severely limited employment
9 prospects; or

10 “(V) have limited English pro-
11 ficiency or low literacy skills.

12 “(4) INCOME.—In this section, the term ‘in-
13 come’ means income received during the 12-month
14 period (or, at the option of the grantee involved, the
15 annualized income for the 6-month period) ending
16 on the date an eligible individual submits an applica-
17 tion to participate in a project carried out under this
18 title by such grantee.

19 “(5) PACIFIC ISLAND AND ASIAN AMERICANS.—
20 The term ‘Pacific Island and Asian Americans’
21 means Americans having origins in any of the origi-
22 nal peoples of the Far East, Southeast Asia, the In-
23 dian Subcontinent, or the Pacific Islands.

1 “(6) PROGRAM.—The term ‘program’ means
2 the older American community service employment
3 program established under this title.

4 “(7) SUPPORTIVE SERVICES.—The term ‘sup-
5 portive services’ means services, such as transpor-
6 tation, child care, dependent care, housing, and
7 needs-related payments, that are necessary to enable
8 an individual to participate in activities authorized
9 under this title, consistent with the provisions of this
10 title.

11 “(8) UNEMPLOYED.—The term ‘unemployed’,
12 used with respect to a person or individual, means
13 an individual who is without a job and who wants
14 and is available for work, including an individual
15 who may have occasional employment that does not
16 result in a constant source of income.

17 “(b) RULE.—Pursuant to regulations prescribed by
18 the Secretary, an eligible individual shall have priority for
19 the community service employment and other authorized
20 activities provided under this title if the individual—

21 “(1) is 65 years of age or older; or

22 “(2)(A) has a disability;

23 “(B) has limited English proficiency or low lit-
24 eracy skills;

25 “(C) resides in a rural area;

1 “(D) is a veteran;

2 “(E) has low employment prospects;

3 “(F) has failed to find employment after uti-
4 lizing services provided under title I of the Work-
5 force Investment Act of 1998 (29 U.S.C. 2801 et
6 seq.); or

7 “(G) is homeless or at risk for homelessness.”.

8 **SEC. 502. EFFECTIVE DATE.**

9 (a) IN GENERAL.—Title V of the Older Americans
10 Act of 1965 (as amended by section 501) takes effect July
11 1, 2007.

12 (b) REGULATIONS AND EXPECTED LEVELS OF PER-
13 FORMANCE.—

14 (1) REGULATIONS.—Effective on the date of
15 enactment of this Act, the Secretary of Labor may
16 issue rules and regulations authorized in such title
17 V.

18 (2) EXPECTED LEVELS OF PERFORMANCE.—
19 Prior to July 1, 2007, the Secretary of Labor may
20 carry out the activities authorized in section
21 513(a)(2) of the Older Americans Act of 1965 (as
22 so amended), in preparation for program year 2007.

1 **TITLE VI—NATIVE AMERICANS**

2 **SEC. 601. CLARIFICATION OF MAINTENANCE REQUIRE-**
3 **MENT.**

4 (a) IN GENERAL.—Section 614A of the Older Ameri-
5 cans Act of 1965 (42 U.S.C. 3057e–1) is amended by add-
6 ing at the end the following:

7 “(c) CLARIFICATION.—

8 “(1) DEFINITION.—In this subsection, the term
9 ‘covered year’ means fiscal year 2006 or a subse-
10 quent fiscal year.

11 “(2) CONSORTIA OF TRIBAL ORGANIZATIONS.—
12 If a tribal organization received a grant under this
13 part for fiscal year 1991 as part of a consortium,
14 the Assistant Secretary shall consider the tribal or-
15 ganization to have received a grant under this part
16 for fiscal year 1991 for purposes of subsections (a)
17 and (b), and shall apply the provisions of subsections
18 (a) and (b)(1) (under the conditions described in
19 subsection (b)) to the tribal organization for each
20 covered year for which the tribal organization sub-
21 mits an application under this part, even if the tribal
22 organization submits—

23 “(A) a separate application from the re-
24 maining members of the consortium; or

1 “(B) an application as 1 of the remaining
2 members of the consortium.”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) shall apply to grants awarded under part
5 A of title VI of the Older Americans Act of 1965 (42
6 U.S.C. 3057b et seq.) during the grant period beginning
7 April 1, 2008, and all subsequent grant periods.

8 **SEC. 602. NATIVE AMERICANS CAREGIVER SUPPORT PRO-**
9 **GRAM.**

10 Section 643 of the Older Americans Act of 1965 (42
11 U.S.C. 3057n) is amended—

12 (1) in paragraph (1), by striking “2001” and
13 inserting “2007”; and

14 (2) in paragraph (2), by striking “\$5,000,000”
15 and all that follows through the period at the end
16 and inserting “\$6,500,000 for fiscal year 2007,
17 \$6,800,000 for fiscal year 2008, \$7,200,000 for fis-
18 cal year 2009, \$7,500,000 for fiscal year 2010, and
19 \$7,900,000 for fiscal year 2011.”.

1 **TITLE VII—ALLOTMENTS FOR**
2 **VULNERABLE ELDER RIGHTS**
3 **PROTECTION ACTIVITIES**

4 **SEC. 701. VULNERABLE ELDER RIGHTS PROTECTION AC-**
5 **TIVITIES.**

6 Section 702 of the Older Americans Act of 1965 (42
7 U.S.C. 3058a) is amended by striking “2001” each place
8 it appears and inserting “2007”.

9 **SEC. 702. ELDER ABUSE, NEGLECT, AND EXPLOITATION.**

10 Section 721 of the Older Americans Act of 1965 (42
11 U.S.C. 3058i) is amended—

12 (1) in subsection (a), by striking “programs for
13 the prevention of” and inserting “programs to ad-
14 dress”;

15 (2) in subsection (b)—

16 (A) in the matter preceding paragraph (1),
17 by striking “programs for” and all that follows
18 through “including—” and inserting the fol-
19 lowing: “programs for the prevention, detection,
20 assessment, and treatment of, intervention in,
21 investigation of, and response to elder abuse,
22 neglect, and exploitation (including financial ex-
23 ploitation), including—”;

1 (B) by redesignating paragraphs (2)
2 through (8) as paragraphs (3) through (9), re-
3 spectively;

4 (C) by inserting after paragraph (1) the
5 following:

6 “(2) providing for public education and out-
7 reach to promote financial literacy and prevent iden-
8 tity theft and financial exploitation of older individ-
9 uals;”;

10 (D) in paragraph (8), as redesignated by
11 subparagraph (B), by striking “and” at the
12 end;

13 (E) in paragraph (9), as redesignated by
14 subparagraph (B), by striking the period and
15 inserting a semicolon; and

16 (F) by adding at the end the following:

17 “(10) examining various types of shelters serv-
18 ing older individuals (in this paragraph referred to
19 as ‘safe havens’), and testing various safe haven
20 models for establishing safe havens (at home or else-
21 where), that recognize autonomy and self-determina-
22 tion, and fully protect the due process rights of older
23 individuals;

24 “(11) supporting multidisciplinary elder justice
25 activities, such as—

1 “(A) supporting and studying team ap-
2 proaches for bringing a coordinated multidisci-
3 plinary or interdisciplinary response to elder
4 abuse, neglect, and exploitation, including a re-
5 sponse from individuals in social service, health
6 care, public safety, and legal disciplines;

7 “(B) establishing a State coordinating
8 council, which shall identify the individual
9 State’s needs and provide the Assistant Sec-
10 retary with information and recommendations
11 relating to efforts by the State to combat elder
12 abuse, neglect, and exploitation;

13 “(C) providing training, technical assist-
14 ance, and other methods of support to groups
15 carrying out multidisciplinary efforts at the
16 State (referred to in some States as ‘State
17 Working Groups’);

18 “(D) broadening and studying various
19 models for elder fatality and serious injury re-
20 view teams, to make recommendations about
21 their composition, protocols, functions, timing,
22 roles, and responsibilities, with a goal of pro-
23 ducing models and information that will allow
24 for replication based on the needs of States and

1 communities (other than the ones in which the
2 review teams were used); and

3 “(E) developing best practices, for use in
4 long-term care facilities, that reduce the risk of
5 elder abuse for residents, including the risk of
6 resident-to-resident abuse; and

7 “(12) addressing underserved populations of
8 older individuals, such as—

9 “(A) older individuals living in rural loca-
10 tions;

11 “(B) older individuals in minority popu-
12 lations; or

13 “(C) low-income older individuals.”;

14 (3) in subsection (e)(2)—

15 (A) by striking “subsection (b)(8)(B)(i)”
16 and inserting “subsection (b)(9)(B)(i)”; and

17 (B) by striking “subsection (b)(8)(B)(ii)”
18 and inserting “subsection (b)(9)(B)(ii)”; and

19 (4) by adding at the end of the section the fol-
20 lowing:

21 “(h) ACCOUNTABILITY MEASURES.—The Assistant
22 Secretary shall develop accountability measures to ensure
23 the effectiveness of the activities carried out under this
24 section.

1 “(i) EVALUATING PROGRAMS.—The Assistant Sec-
 2 retary shall evaluate the activities carried out under this
 3 section, using funds made available under section 206(g).

4 “(j) COMPLIANCE WITH APPLICABLE LAWS.—In
 5 order to receive funds made available to carry out this sec-
 6 tion, an entity shall comply with all applicable laws, regu-
 7 lations, and guidelines.”.

8 **SEC. 703. NATIVE AMERICAN ORGANIZATION PROVISIONS.**

9 Section 751 of the Older Americans Act of 1965 (42
 10 U.S.C. 3058aa) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1), by striking “and” at
 13 the end;

14 (B) in paragraph (2), by striking the pe-
 15 riod and inserting “; and”; and

16 (C) by adding at the end the following:

17 “(3) enabling the eligible entities to support
 18 multidisciplinary elder justice activities, such as—

19 “(A) establishing a coordinating council,
 20 which shall identify the needs of an individual
 21 Indian tribe or other Native American group
 22 and provide the Assistant Secretary with infor-
 23 mation and recommendations relating to efforts
 24 by the Indian tribe or the governing entity of

1 the Native American group to combat elder
2 abuse, neglect, and exploitation;

3 “(B) providing training, technical assist-
4 ance, and other methods of support to groups
5 carrying out multidisciplinary efforts for an In-
6 dian tribe or other Native American group; and

7 “(C) broadening and studying various
8 models for elder fatality and serious injury re-
9 view teams, to make recommendations about
10 their composition, protocols, functions, timing,
11 roles, and responsibilities, with a goal of pro-
12 ducing models and information that will allow
13 for replication based on the needs of Indian
14 tribes and other Native American groups (other
15 than the ones in which the review teams were
16 used).”;

17 (2) in subsection (b), by striking “this subtitle”
18 and inserting “this section”; and

19 (3) in subsection (d)—

20 (A) by striking “this section” and inserting
21 “this subtitle”; and

22 (B) by striking “2001” and inserting
23 “2007”.

1 **SEC. 704. ELDER JUSTICE PROGRAMS.**

2 Subtitle B of title VII of the Older Americans Act
3 of 1965 (42 U.S.C. 3058aa) is amended—

4 (1) by striking the subtitle heading and insert-
5 ing the following:

6 **“Subtitle B—Native American Or-**
7 **ganization and Elder Justice**
8 **Provisions”;**

9 and

10 (2) by inserting after section 751 the following:

11 **“SEC. 752. GRANTS TO PROMOTE COMPREHENSIVE STATE**
12 **ELDER JUSTICE SYSTEMS.**

13 “(a) PURPOSE AND AUTHORITY.—For each fiscal
14 year, the Assistant Secretary may make grants to States,
15 on a competitive basis, in accordance with this section, to
16 promote the development and implementation, within each
17 such State, of a comprehensive elder justice system, as de-
18 fined in subsection (b).

19 “(b) COMPREHENSIVE ELDER JUSTICE SYSTEM DE-
20 FINED.—In this section, the term ‘comprehensive elder
21 justice system’ means an integrated, multidisciplinary,
22 and collaborative system for preventing, detecting, and ad-
23 dressing elder abuse, neglect, and exploitation in a manner
24 that—

1 “(1) provides for widespread, convenient public
2 access to the range of available elder justice infor-
3 mation, programs, and services;

4 “(2) coordinates the efforts of public health, so-
5 cial service, and law enforcement authorities, as well
6 as other appropriate public and private entities, to
7 identify and diminish duplication and gaps in the
8 system;

9 “(3) provides a uniform method for the stand-
10 ardization, collection, management, analysis, and re-
11 porting of data; and

12 “(4) provides such other elements as the Assist-
13 ant Secretary determines appropriate.

14 “(c) APPLICATIONS.—To be eligible to receive a grant
15 under this section for a fiscal year, a State shall submit
16 an application to the Assistant Secretary, at such time,
17 in such manner, and containing such information and as-
18 surances as the Assistant Secretary determines appro-
19 priate.

20 “(d) AMOUNT OF GRANTS.—The amount of a grant
21 to a State with an application approved under this section
22 for a fiscal year shall be such amount as the Assistant
23 Secretary determines appropriate.

24 “(e) USE OF FUNDS.—

1 “(1) IN GENERAL.—A State that receives a
2 grant under this section shall use funds made avail-
3 able through such grant to promote the development
4 and implementation of a comprehensive elder justice
5 system by—

6 “(A) establishing formal working relation-
7 ships among public and private providers of
8 elder justice programs, service providers, and
9 stakeholders in order to create a unified elder
10 justice network across such State to coordinate
11 programmatic efforts;

12 “(B) facilitating and supporting the devel-
13 opment of a management information system
14 and standard data elements;

15 “(C) providing for appropriate education
16 (including educating the public about the range
17 of available elder justice information, programs,
18 and services), training, and technical assistance;
19 and

20 “(D) taking such other steps as the Assist-
21 ant Secretary determines appropriate.

22 “(2) MAINTENANCE OF EFFORT.—Funds made
23 available to States pursuant to this section shall be
24 used to supplement and not supplant other Federal,

1 State, and local funds expended to support activities
2 described in paragraph (1).”.

3 **SEC. 705. RULE OF CONSTRUCTION.**

4 Subtitle C of title VII of the Older Americans Act
5 of 1965 (42 U.S.C. 3058bb et seq.) is amended by adding
6 at the end the following:

7 **“SEC. 765. RULE OF CONSTRUCTION.**

8 “Nothing in this title shall be construed to interfere
9 with or abridge the right of an older individual to practice
10 the individual’s religion through reliance on prayer alone
11 for healing, in a case in which a decision to so practice
12 the religion—

13 “(1) is contemporaneously expressed by the
14 older individual—

15 “(A) either orally or in writing;

16 “(B) with respect to a specific illness or in-
17 jury that the older individual has at the time of
18 the decision; and

19 “(C) when the older individual is com-
20 petent to make the decision;

21 “(2) is set forth prior to the occurrence of the
22 illness or injury in a living will, health care proxy,
23 or other advance directive document that is validly
24 executed and applied under State law; or

1 “(3) may be unambiguously deduced from the
2 older individual’s life history.”.

3 **TITLE VIII—FEDERAL YOUTH**
4 **DEVELOPMENT COUNCIL**

5 **SEC. 801. SHORT TITLE.**

6 This title may be cited as the “Tom Osborne Federal
7 Youth Coordination Act”.

8 **SEC. 802. ESTABLISHMENT AND MEMBERSHIP.**

9 (a) ESTABLISHMENT.—There is established the Fed-
10 eral Youth Development Council (in this title referred to
11 as the “Council”).

12 (b) MEMBERS AND TERMS.—

13 (1) FEDERAL EMPLOYEE MEMBERS.—The
14 members of the Council shall include the Attorney
15 General, the Secretary of Agriculture, the Secretary
16 of Labor, the Secretary of Health and Human Serv-
17 ices, the Secretary of Housing and Urban Develop-
18 ment, the Secretary of Education, the Secretary of
19 the Interior, the Secretary of Commerce, the Sec-
20 retary of Defense, the Director of National Drug
21 Control Policy, and the Chief Executive Officer of
22 the Corporation for National and Community Serv-
23 ice, or a designee of each such individual who holds
24 significant decision-making authority, and other
25 Federal officials as directed by the President.

1 (2) ADDITIONAL MEMBERS.—

2 (A) IN GENERAL.—The members of the
3 Council shall include any additional members as
4 the President shall appoint from among rep-
5 resentatives of community-based organizations,
6 including faith-based organizations, child and
7 youth focused foundations, institutions of high-
8 er education, non-profit organizations, youth
9 service providers, State and local government,
10 and youth in disadvantaged situations.

11 (B) CONSULTATION.—In making the ap-
12 pointments under this paragraph, the Presi-
13 dent, as determined appropriate by the Presi-
14 dent, shall consult with—

15 (i) the Speaker of the House of Rep-
16 resentatives, who shall take into account
17 the recommendations of the majority lead-
18 er and the minority leader of the House of
19 Representatives; and

20 (ii) the president pro tempore of the
21 Senate, who shall take into account the
22 recommendations of the majority leader
23 and the minority leader of the Senate.

24 (3) LENGTH OF TERM.—Each member of the
25 Council shall serve for the life of the Council.

1 (c) COMPENSATION AND TRAVEL EXPENSES.—

2 (1) NO COMPENSATION FOR SERVICE ON COUN-
3 CIL.—Each member of the Council appointed under
4 section 802 who is not an officer or employee of the
5 United States shall not receive pay by reason of the
6 member's service on the Council, and shall not be
7 considered an employee of the Federal Government
8 by reason of such service. Each member of the
9 Council who is an officer or employee of the United
10 States shall serve without compensation in addition
11 to that received for the member's service as an offi-
12 cer or employee of the United States.

13 (2) TRAVEL AND TRANSPORTATION EX-
14 PENSES.—Each member of the Council may be al-
15 lowed travel or transportation expenses in accord-
16 ance with section 5703 of title 5, United States
17 Code, while away from the member's home or reg-
18 ular place of business in the performance of services
19 for the Council.

20 (d) CHAIRPERSON.—The Chairperson of the Council
21 shall be the Secretary of Health and Human Services.

22 (e) MEETINGS.—The Council shall meet at the call
23 of the Chairperson, not less frequently than 4 times each
24 year. The first meeting shall be not less than 4 months
25 after the date of enactment of this Act.

1 **SEC. 803. DUTIES OF THE COUNCIL.**

2 (a) IN GENERAL.—The duties of the Council shall be
3 to provide advice and recommendations, including—

4 (1) ensuring communication among agencies
5 administering programs designed to serve youth, es-
6 pecially those in disadvantaged situations;

7 (2) assessing the needs of youth, especially
8 those in disadvantaged situations, and those who
9 work with youth, and the quantity and quality of
10 Federal programs offering services, supports, and
11 opportunities to help youth in their educational, so-
12 cial, emotional, physical, vocational, and civic devel-
13 opment, in coordination with the Federal Inter-
14 agency Forum on Child and Family Statistics;

15 (3) recommending quantifiable goals and objec-
16 tives for such programs;

17 (4) making recommendations for the allocation
18 of resources in support of such goals and objectives;

19 (5) identifying possible areas of overlap or du-
20 plication in the purpose and operation of programs
21 serving youth and recommending ways to better fa-
22 cilitate the coordination and consultation among,
23 and improve the efficiency and effectiveness of, such
24 programs;

1 (6) identifying target populations of youth who
2 are disproportionately at risk and assisting agencies
3 in focusing additional resources on such youth;

4 (7) developing a plan, including common indica-
5 tors of youth well-being that are consistent with the
6 indicators tracked by the Federal Interagency
7 Forum on Child and Family Statistics, and assisting
8 Federal agencies, at the request of 1 or more such
9 agencies, in coordinating to achieve the goals and
10 objectives described in paragraph (3);

11 (8) assisting Federal agencies, at the request of
12 1 or more such agencies, in collaborating on—

13 (A) model programs and demonstration
14 projects focusing on special populations, includ-
15 ing youth in foster care and migrant youth;

16 (B) projects to promote parental involve-
17 ment; and

18 (C) projects that work to involve young
19 people in service programs;

20 (9) soliciting and documenting ongoing input
21 and recommendations from—

22 (A) youth, especially youth in disadvan-
23 taged situations;

24 (B) national youth development experts,
25 researchers, parents, community-based organi-

zations, including faith-based organizations, foundations, business leaders, youth service providers, and teachers; and

(C) State and local government agencies, particularly agencies serving children and youth; and

(10) working with Federal agencies—

(A) to promote high-quality research and evaluation, identify and replicate model programs and promising practices, and provide technical assistance relating to the needs of youth; and

(B) to coordinate the collection and dissemination of youth services-related data and research.

(b) TECHNICAL ASSISTANCE.—The Council may provide technical assistance to a State at the request of a State to support a State-funded council for coordinating State youth efforts.

**SEC. 804. COORDINATION WITH EXISTING INTERAGENCY
COORDINATION ENTITIES.**

In carrying out the duties described in section 803, the Council shall coordinate the efforts of the Council with other Federal, State, and local coordinating entities in

1 order to complement and not duplicate efforts, including
2 the following:

3 (1) Coordinating with the Federal Interagency
4 Forum on Child and Family Statistics, established
5 under Executive Order 13045 (42 U.S.C. 4321 note;
6 relating to protection of children from environmental
7 health risks and safety risks), on matters pertaining
8 to data collection.

9 (2) Coordinating with the United States Inter-
10 agency Council on Homelessness, established under
11 section 201 of the McKinney-Vento Homeless Assist-
12 ance Act (42 U.S.C. 11311), on matters pertaining
13 to homelessness.

14 (3) Coordinating with the Coordinating Council
15 on Juvenile Justice and Delinquency Prevention, es-
16 tablished under section 206 of the Juvenile Justice
17 and Delinquency Prevention Act of 1974 (42 U.S.C.
18 5616), on matters pertaining to programs for at-risk
19 youth.

20 **SEC. 805. ASSISTANCE OF STAFF.**

21 (a) DESIGNATION OF INDIVIDUAL.—The Chairperson
22 is authorized to designate an individual to have responsi-
23 bility for assisting in carrying out the duties of the Council
24 under this title.

1 (b) STAFF OF FEDERAL AGENCIES.—Upon request
2 of the Council, the head of any Federal department or
3 agency may detail, on a reimbursable or nonreimbursable
4 basis, any of the personnel of the department or agency
5 to the Council to assist in carrying out the Council’s duties
6 under this title.

7 **SEC. 806. POWERS OF THE COUNCIL.**

8 (a) MAILS.—The Council may use the United States
9 mails in the same manner and under the same conditions
10 as other departments and agencies of the United States.

11 (b) ADMINISTRATIVE SUPPORT SERVICES.—Upon
12 the request of the Council, the Administrator of General
13 Services shall provide to the Council, on a reimbursable
14 basis, the administrative support services necessary for the
15 Council to carry out its responsibilities under this title.

16 **SEC. 807. REPORT.**

17 (a) INTERIM REPORT.—Not later than 1 year after
18 the first meeting of the Council, the Council shall transmit
19 to the relevant committees of Congress an interim report
20 of the findings of the Council.

21 (b) FINAL REPORT.—Not later than 2 years after the
22 first meeting of the Council, the Council shall transmit
23 to the relevant committees of Congress a final report of
24 the Council’s findings and recommendations, which report
25 shall—

1 (1) include a comprehensive list of recent re-
2 search and statistical reporting by various Federal
3 agencies on the overall well-being of youth;

4 (2) include the assessment of the needs of
5 youth and those who serve youth;

6 (3) include a summary of the plan described in
7 section 803(a)(7);

8 (4) recommend ways to coordinate and improve
9 Federal training and technical assistance, informa-
10 tion sharing, and communication among the various
11 Federal programs and agencies serving youth, as the
12 Chairperson determines appropriate;

13 (5) include recommendations to better integrate
14 and coordinate policies across agencies at the Fed-
15 eral, State, and local levels, including any rec-
16 ommendations the Chairperson determines appro-
17 priate, if any, for legislation and administrative ac-
18 tions;

19 (6) include a summary of actions the Council
20 has taken at the request of Federal agencies to fa-
21 cilitate collaboration and coordination on youth serv-
22 ing programs and the results of those collaborations,
23 if available;

24 (7) include a summary of the action the Council
25 has taken at the request of States to provide tech-

1 nical assistance under section 803(b), if applicable;
 2 and

3 (8) include a summary of the input and rec-
 4 ommendations from the groups identified in section
 5 803(a)(9).

6 **SEC. 808. TERMINATION.**

7 The Council shall terminate 60 days after transmit-
 8 ting the final report under section 807(b).

9 **SEC. 809. AUTHORIZATION OF APPROPRIATIONS.**

10 There is authorized to be appropriated to carry out
 11 this title \$1,000,000 for each of the fiscal years 2007 and
 12 2008.

13 **TITLE IX—CONFORMING**
 14 **AMENDMENTS**

15 **SEC. 901. CONFORMING AMENDMENTS TO OTHER ACTS.**

16 (a) OLDER AMERICANS ACT AMENDMENTS OF
 17 1987.—Section 205(1) of the Older Americans Act
 18 Amendments of 1987 (42 U.S.C. 3001 note) is amended
 19 by striking “section 102(17) of the Older Americans Act
 20 of 1965 (42 U.S.C. 3002(17))” and inserting “section 102
 21 of the Older Americans Act of 1965 (42 U.S.C. 3002)”.

22 (b) ENERGY CONSERVATION AND PRODUCTION
 23 ACT.—Section 412(6) of the Energy Conservation and
 24 Production Act (42 U.S.C. 6862(6)) is amended by strik-

1 ing “paragraphs (4), (5), and (6), respectively, of section
2 102” and inserting “section 102”.

Passed the House of Representatives September 28,
2006.

Attest:

Clerk.

109TH CONGRESS
2D SESSION

H. R. 6197

AN ACT

To amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes.